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H – 1073

International Court of Justice

H1073-0002

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

25 July 1946.

(THE COMMISSION CONVENED AT 1015 HOURS.)

COMMISSIONER:

Colonel A. M. S.Neave

O. K. W.

GENERAL WALTER SCHELLENBERG, a witness, took the stand and testified as follows:

THE COMMISSIONER: Raise your right hand and repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE COMMISSIONER: You may be seated.

COLONEL NEAVE: May I see a copy of General Schellenberg's affidavit?

DR. LATERNSER: I have one here.

(THE COMMISSIONER IS HANDED A COPY OF DOCUMENT USA 557.)

-CROSS EXAMINATION.-

THE COMMISSIONER: Dr. Laternser, will you confine your examination to the subject matter of the affidavit.

DR. LATERNSER: I will. Witness, you have given an affidavit,

H1073 - 0003

No. 12, which has been submitted by the prosecution as USA 557 in the case against the General Staff of the OKW.

THE WITNESS: I cannot remember the subject matter of this affidavit, as I have given many affidavits.

(THE WITNESS IS HANDED A COPY OF DODUMENT USA 557.)

DR. LATERNSER: I show you this affidavit now and ask you to look it over.

COLONEL NEAVE: Did you swear to this affidavit?

THE WITNESS: Yes.

BY DR. LATERNSER:

Q First of all, I would like to put a few questions in regard to the drafting of this affidavit. Who drafted this declaration?

A The declaration which you just showed me? I drafted it.

Q Did you write it down yourself?

A I partly wrote it myself and partly dictated it.

Q Who asked you for this declaration?

A I cannot remember the name, but if I am not mistaken, it was a Colonel.

Q Were you told what was the purpose of this declaration?

A No, I had the impression that I would be cross-examined in regard to this question.

Q You were not told the purpose?

A No.

Q Did you make any corrections when you were given this declaration

H1073-0004

to sign?

A Yes, I did.

Q When you signed it, you were of the opinion that this statement was correct?

A Yes.

Q I refer to the following sentence of the affidavit: "According to my order, I should see to it that the responsible services of the army were held to help in all activities of the so-called Einsatsgruppen and Einsats-commandoes of the Sipo and SD."

Following that sentence, I should like to ask you what you mean by the words "in all activities?"

A May I remark that you assume in the question I received the order from Mueller, but as a matter of fact I received it from Heydrick.

Q What do you mean by "in all activities?"

A In this connection I have to point out two matters. First/ of all the order given by the Fuehrer, which was on the basis of all the negotations and the agreements .....

Q I must interrupt you. We shall speak of the Fuehrer's order later. I ask you what do you under stand by the words "in all activities" in this connection. Please answer this question.

A In order to explain this, I have to speak of the other matter.

COLONEL NEAVE: Surely the witness can answer the question what he understands by "all activities."

DR. LATERNSER: I have put this question twice already to the witness.

H1073 - 0005

COLONEL NEAVE: Will the witness answer the question?

THE WITNESS: The answer to this question is not as simple as that as I have to describe the background to the agreement. We have to deal here with two different things, first the carrying out of the Fuehrer's order and secondly the intention which Heydrick had in this respect.

BY DR. LATERNSER:

Q I shall speak of these things afterward. I should like you to answer the question. What do you understand by "all activities" in this connection?

A Partly from the order of the Fuehrer and of Heydrick and I make the following statement. It was the intention to keep free the rear of the combat troops under any circumstances. Heydrick had the plan for the first time to assign civil orga izations for combat on the front. It was possibly the decisive plan of Heydrick as it was for the first time in the history of war that this was possible.

COLONEL NEAVE: This witness is not answering the question. Did you know what was meant by the phrase, "all the activities of all the groups of Einsatsgruppen and Einsatscommandoes of the Sipo and SD?" Witness will you answer the question did you know what all these activities were?

THE WITNESS: As I have already stated, this order was meant first of all to keep free the rear of the combat troops and secondly to give an opportunity for the Sipo and for the SD to fight on the battle front. That is what I understood by all activities.

COLONEL NEAVE: And that is what you are referring to in the affidavit?

THE WITNESS: That is what I am referring to in the affidavit.

H1073 – 0006

COLONEL NEAVE: Now, I think we can go on.

BY DR. LATERNSER:

Q Did you mention or did you hint at any other activities in your conversation with General Wagner?

A In the conversation I had with Generalquartermaster Wagner, we always dealt exclusively with the carrying out of the Fuehrer's order and the plan of Heydrick to use these civil organizations on the battle front.

Q You never mentioned mass extermination in your conversation with General Wagner?

A No.

Q Now you use in this same sentence, the words "firmly obligated". This expression showsthat you had some suspicion toward General Wagner as regards to cooperation. What was the basis of this suspicion?

A There was such a suspicion on the part of Wagner and as far as I can judge this suspicion was based on his feeling that an assignment of the Sipo and SD to combat troops would entail some difficulties in regard to the issuing of orders. He also had the feeling that Heydrick would profit by such a situation in order to erect his own army among the combat troops, with all the possibilities of being good soldiers in combat and being decorated.

Q Witness, you certainly knew the competence of the General Quarter Master and what they were in principle regarding supplies and administration behind the lines?

A I knew what the general and normal tasks of a quarter-master were, but

H1073 - 0007

in this connection Wagner acted as representative of the army and of the OKH.

Q Did you not hesitate at that time to discuss these matters with the General Quarter Master as you knew of his competences?

A I just declared to the contrary. I cannot understand the question. I said that I knew about the normal duties and normal competences of a general quarter master but in this case Wagner acted as representative of the OKH.

Dr. Kempner: I think we are now absolutely outside of the affidavit. — Dr Kempner

COLONEL MEAVE: The competence of military leader is never claimed in this affidavit or otherwise and that General Schellenberg knew all the military matters.

Col Meave: Dr. Laternser, where is this cross examination supposed to be leading?

DR. LATERNSER: The next question will show that.

COLONEL MEAVE: Let us stop that particular line.

BY DR. LATERNSER:

Q You just said that during these negotiations you considered the general quarter master being the representative of the OKH.

A Yes, I had to consider him as such because first he acted as such during the negotiations which took place and then he was introduced to me as such by Heydrick.

Q You mentioned an order issued by the Fuehrer?

A Yes, I always like to repeat this order because I wanted to clarify the matter.

H1073-0008

Q You mentioned this order in the affidavit too?

A Yes.

Q It was the basis of the Fuehrer's command mentioned at the beginning of this agreement that the Sipo and SD should operate within the field army as well as connection with their supply lines by every means and as quickly as possible. Did you read this order of the Fuehrer?

A I did not read it myself, but Wagner read it to me and we agreed to use it as a preamble in the above mentioned agreement. I do not know if he read it out completely.

Q You yourself did not see the order?

A No, I never saw anything in writing.

Q On page two of this affidavit, you say that, "The tactical and functional authority and responsibility of front-line headquarters of the Field Army over the Combat Commandos found no limitation in the agreement and therefore needed no further clarification." What do you understand by the words, "tactical and functional authority?"

A I have to enter into the motive which was behind this whole agreement.

Q Witness, you can tell us afterwards. Now, I should like to know what you mean by "tachnical and functional authority?"

A I can only explain this point within the general scheme. There is no sense in interrupting me always. I have already stated that the General Quartermaster Wagner was afraid of Heydrick and his civil organizations to a great extent in the event of the battle front. It is a question of the

H1073 – 0009

tactical and functional authority in the front territory. This matter almost led to a break-off of negotiations which took place at that time. When I started taking part in these negotiations I saw at once that this was the crucial point of all the negotiations on the part of Wagner. By the words, tactical and functional authority, I understand the unlimited authority of a front commander. This is why I did not discuss any further this special point during the negotiations, but it was discussed later on in a conversation which Heydrick had with Wagner himself. Wagner, himself, stated, speaking about this point and I absolutely remember the following words: "Mr. Heydrick I am very grateful to Schellenberg for having discussed these questions with me in a very sensible way, because you as an old navy officer will understand that there cannot be two maters on the front." Thus, Heydrick was somewhat flattered and he entered into a discussion at that point, not for my sake, but for the sake of Wagner.

Q Furthermore, you state in your affidavit that, "The agreement made it clear that the administrative subordination embraced not only disciplinary subordination but also the obligation for rear headquarters of the Field army to support the Combat Groups and Combat Commandos in matters of supply (gasoline, rations, etc.) as well as in the use of the communications network." Have you ever heard of a case in which the superior officer had made use of this disciplinary power against the Sipo or the SD?

A My affidavit, as far as I can remember, refers only to the agreement and to the final draft of the agreement. In this respect, the matter was settled as I described it already and I can remember an example which would illustrate this matter. Wagner once said to Heydrick, "I am convinced you have

H1073-0010

your men in firm hands, but you know how things can be in such a war. You can see how willing the army is to put up with this new organization." I can remember another example when Wagner said, "You know perfectly well, we will have some difficulty on account of the old alcohol. You know in such a case, it is important to be able to take effective measures." Another example, he mentioned the supply roads behind the battle lines and in these supply roads, the members of the Sipo wanted to have priority and this matter, of course, had to be clarified.

Q All that does not exclude your answering my question.

A I have already answered the question. I only referred to the contents of my agreement and not to a later stage.

Q You are a witness and have to answer questions.

A I have answered questions.

COLONEL NEAVE: You may ask the question, Dr. Laternser.

DR. LATERNSER: Witness, I ask you whether you have a knowledge of a case in which an officer of the army has made use of his disciplinary power against a member of the Sipo or SD?

DR. KEMPNER: This is not in the affidavit.

COLONEL NEAVE: Dr. Kempner, this is cross examination and I will allow that question. Dr.Laternser, please do not go too far in this reference to an agreement outside of the affidavit.

DR. LATERNSER: I think the question which I just put hardly exceeds the frame work of this affidavit.

COLONEL NEAVE: Go on.

THE WITNESS: I personally did not care for the events in the east. After this agreement had taken place, I had no knowledge afterward of such a case.

H1073-0011

Q This would have been an extraordinary matter xx if a member of the Sipo or SD had been punished by an officer of the army and it would have become known?

A Well, I cannot say anything about that point and they probably would have taken someone who was not familiar with these matters.

H1073 - 0012

Q. Can you tell us whether reports on the Commando Groups were submitted to Army headquarters? This would certainly have happened if these groups had been subordinate to Army headquarters.

A. May I ask your permission to read this passage first?

Q. Yes. Page 2, last paragraph - the report is mentioned.

A. I take the liberty of stating that such a report was shown to me during the cross examination by the prosecution. On the ground of the knowledge of this report, I have taken personal position to this matter.

Q. You had no hesitation to make use immediately of such document which just had been shown to you, and this in a testimony which you have given under oath.

A. Will Dr. Laternser please explain to me what he understands by "make use of."?

Q. You made these reports the subject of your testimony.

A. I was under oath and I had to take position in regard to this matter.

Q. Were you shown the original reports?

A. I cannot say that now. I have been shown so many things.

Q. You state in your affidavit #12 that you acknowledged the correctness and the credibility of the reports just mentioned.

A. I did so, because on the ground of my knowledge of the general form in which reports were drafted in the RSHA. I was convinced that these reports could not be falsified.

Q. How do you know that there were conversations between Heydrich and Wagner as regards to the further interpretation of disagreement?

A. My defense counsel is suggesting that I have said that there were such conversations, but I'm convinced I used the word presumably.

H1073-0013

Q. Witness, in this respect you are wrong. You state here"just while leaving I heard how they both wanted to discuss in complete privacy of the Fuehrer's command which was apparently known in advance by each of them personally, and its far reaching complications. After the half hour passover I was called in once more, just to say goodbye."

A. It happened just as I stated here.

Q. What did you hear when you were leaving?

A. I heard that two gentlemen were desirous to discuss the order issued by the Fuehrer. However, I want to state that I cannot remember the exact words which were used during this conversation.

Q. You will probably not be able to tell us whether this was actually the case afterwards?

A. No, I was not present. I wasn't eavesdropping either.

Q. It is stated on page 3 of your affidavit - "Therefore, I must express today my firm conviction that during the secret oral discussion between Wagner and Heydrich the extensive future activity of the Dombat Groups and Combat Commandos with the combat element of the Field Army was obviously discussed and delineated so as to include even planned mass executions."

You did not have this impression during and immediately after the discussion.

A. I was so busy with the formulating matter that I didn't think of its consequences.

Q. But how does it come that later on you had this impression?

A. If I am not mistaken I think I have tried to explain this in the affidavit. On the ground of the report which was submitted to me by Oberfuehrer Stahlecker, I had to gain the impression on the ground of the data that if such a thing could happen, it must have been discussed.

Q. You want to state that on the ground of the documents which were shown

H1073 - 0014

TO You in 1945, you gained the impression that the conversation took place between Heydrich and Wagner in May 1941?

DR. KEMPNER: I object against this question for one reason. The document - the Stahlecker document is not a document of 1945 - to make it very clear - but a document of 1941. It was only shown to the witness in 1945; and I suggest that this question is changed to exact course of events, so that the witness really knows what the matter is and not matters manufactured as suggested in 1945.

COL. NEAVE: What is the exact date and description of this Stahlecker document?

MR. RAPP: 1941 in the advance of Moscow.

COL. NEAVE: Has the document been shown to the witness during the past ~~two~~ few months? Is the document here - is it available?

MR. RAPP: Yes, it is available. I know the document has been used in evidence.

COL. NEAVE: I only wanted to ~~satisfy~~ be satisfied that Dr. Laternser is under a wrong impression. What is the number of the document?

MR. RAPP: I believe - I'm not sure - it might be 871 P.S.

COL. NEAVE: It would appear that you are under incorrect impression, and it is available as a document introduced by the prosecution and is dated sometime in 1941.

DR. LATERNSER: Mr. President, I am parting from the same facts which have just been stated by Dr. Kempner.

COL. NEAVE: There hasn't been a mistranslation here, has there? ~~Has~~ Has he refered to the document dated 1945, and it is true that you mean the document dated 1941 and shown to the witness in 1945.

DR. LATERNSER: Yes, that is right.

H1073-0015

COL. NEAVE: There seems to have been some misunderstanding. The document, I understand, is L-180, dated 15 October 1941.

MR. RAPP: Signed by Dr.....

COL. NEAVE: Personal property of the SS-Obergruppenfuehrer. Yes, it is signed by Dr. Stahlecker. Well that clears up that point.

DR. LATERNSER: The objection against my question has become thus immaterial.

COL. NEAVE: It all seems to be based on misunderstanding. Will you repeat your question so that we are quite clear on what you mean? Repeat the same question. Go ahead, Dr. Laternser.

Q. Witness, you want to say that today, that is to say the date when this affidavit was drafted - that is to say in 1945 - on the ground of the document which was shown to you in 1945, you gained the impression that the conversation held between Heydrich and Wagner in May 1941 was of the following contents.

A. As I have stated in the affidavit, I tried to remember very exactly the time to which I was referring in this affidavit. On the grounds of documents which were shown to me in 1945 or in 1946, I draw, on my part, the conclusion that according to the goal of events, the conversation which took place in 1941 presumably had these contents.

Q. It is only a presumption of yours?

A. I have stated that in the affidavit.

Q. And you have no recollections of the time of 1941 which could support this presumption of yours?

A. Oh, yes. Later I heard of so many witnesses and according to the statements of these witnesses, I gained the impression that it was not perhaps a presumption of mine, but a real fact.

Q. Witness, I think you go a little too far. I must draw your attention to the fact that you are under oath. I have not finished my question. Witness,

H1073 - 0016

you stated that in 1945, you presumed that the conversation of 1941 was of such a content and now you want to re-enforce this presumption of yours by the testimony which you just gave. Will you tell us that this is a fact?

DR. KEMPNER: My objection against this kind of questioning is the following. The defense counsel put something in the mouth of the witness he has not said. The defense counsel has said, and now I say it in German - the witness had gained the impression that presumably he had said something. As a matter of fact the witness said, "I was forced to the conclusion that this has taken place presumably."

COL. NEAVE: It is perfectly true he did add the word "presumably" at the end of his answer, and it is possible that there is a certain misunderstanding here as to his answer, Dr. Laternser, ~~but~~ otherwise, Dr. Kempner, it is a perfectly proper line of cross-examination. Dr. Laternser hasn't misunderstood what I said? It was a proper line of cross-examination.

DR. LATERNSER: No.

Q. You just used the word "fact". As far as I can understand you, you have the intention of using this word to re-enforce a presumption?

A. May I declare the following as regards to the whole complex?

Q. No, you are supposed to answer my question.

A. First I want to say that there is no need to remind me of my oath. First when I stated this presumption in my affidavit, I was in a single cell. At least the essential contents of this affidavit were discussed when I was in a single cell or at least when I had no opportunity of discussing this matter with other witnesses for the Sipo and SD.

COL. NEAVE: Dr. Laternser, the Commission will adjourn for ten minutes. I want to see the defense counsel for the SD and Gestapo.

Recess: 1130 hours

Reconvened: 1145 hours

H1073-0017

COL. NEAVE: Dr. Laternser, before we resume, how much longer do you expect your cross examination to take?

DR. LATERNSER: I hope until noon.

COL. NEAVE: Will you be re-examining, Dr. Kempner?

DR. KEMPNER: Very short, but this means another hour on the affidavit.

COL. NEAVE: Do you mean one o'clock, Dr. Laternser?

DR. LATERNSER: One o'dlock.

COL. NEAVE: Do you really think you will need until one o'clock to finish with this witness?

DR. LATERNSER: Yes.

COL. NEAVE: Well you must make your questions as brief as possible. The Tribunal gave permission to cross examine these witnesses on the understanding that you would be quite brief on the examination and limited entirely to the subject matter of the affidavit. Go on.

Q. Witness, in your affidavit you mention the words "comprehensive report of combat group" - you have seen these reports in detail?

A. May I read this page of my affidavit ~~beef~~ before I answer the question.

COL. NEAVE: Yes, you may do so. What page is it?

DR. LATERNSER: Page 2 - last paragraph.

A. Yes, according to the affidavit I read two reports. One - operational and situational report #6, and one - comprehensive report of combat group.

Q. So you have seen the reports in detail?

A. I have read them.

Q. Is it stated in one of these reports or is there any remark that these reports had been passed on to Army headquarters?

A. I cannot remember whether there was any statement as to the distribution of these reports, but I cam remember that during my cross examination, I gained the

H1073-0018

conviction that these reports were as a matter of fact handed on to Army headquarters.

Q. But you have not stated this in your affidavit?

A. I don't know - may I read it onee more. No, I have not dealt with this question in the affidavit and only in so far as I refer to the sentence which was just read out.

Q. You have just said that you were convinced that these reports were handed on to Army headquarters, and you have gained this conviction out of these reports. Can you give any facts which are the grounds of this conviction?

A. This is only my personal opinion - I cannot state any facts or documents.

Q. But you just said that you gained this conviction when you read the reports?

A. That is correct, but I have not expressed this view in the affidavit.

Q. But you expressed this view now?

A. Yes, I have done that.

Q. I shall show you these two reports now and I shall ask you to show me the passages from which you could gain this conviction?

A. There is no need of showing me this document, because I have just read the sentence which is essential for my conviction. It is a question of the praise which is given to the troop for the good cooperation with Hoeppner.

Q. After the recess I shall have to show these documents to the witness.

COL. NEAVE: In view of that answer - is it really necessary to submit those orders? In view of that answer.

DR. LATERNSER: The witness had said that on the ground of reports he had gained the conviction that the reports were handed on to Army headquarters. I will submit these reports after noon recess.

COL. NEAVE: Well, you haven't been given permission to do so yet. I'm discussing with you whether it is necessary to submit these reports in view of his answer as to what his conviction was, and with the object of saving time.

H1073-0019

COL. NEAVE: He states that in this case the liaison was very close and almost cordial, and that in fact is the basis of his conviction that the orders were passed on to the Army. What is the point then of showing him the orders? Is the position clear. Well, you may refer to the matter later. If it is really necessary to clarify that further, you may refer to that later, but not before you have spoken to me personally and supplied me with copies of those orders, so that I can see them.

DR. LATERNSER: Very well.

COL. NEAVE: The only question here is what the witness bases his conviction, and he gives a perfectly good answer.

DR. LATERNSER: I will check this matter and I will come back to it.

COL. NEAVE: I shall want to be satisfied that we need go into that matter further, and therefore you should show me copies of the orders.

Q. You further stated that....."the Oberbefehlshabers of the army groups and armies which were to take part in the Russian campaign were accurately informed through the normal OKH channels of communications about the extensive future mission of the Combat Groups and Combat Commandos of the Sipo and SD as including planned mass executions of Jews....." I now leave out the rest of the phrase. Did you know that Combat Groups received direct orders from the higher headquarters that they were not to discuss with the Army any of their actions and that this decree was handed by Hitler personally both to the Army and to Himmler?

A. My answer again concerns itself with two points. Firstly, I don't know of any such order. Secondly, just how or rather by what way I arrived at the statements I made in this affidavit and also in order to answer any possible further questions, I can make a rather exact or detailed statement concerning this.

H1073-0020

Q. You stated today that you want to express your firm conviction. I ask you now - did you have this same conviction in 1941 already or did you just arrive at it in 1945?

A. I want to refer back to the wording of the affidavit which says exactly what I thought.

H1073 - 0021

Q That is not quite clear?

A A Maybe then I might explain.

Q Now I want to know when you formed this firm conviction?

A In explaining I want to state that there are two lines of thought in my affidavit.

Q I would like you to answer my question first, when you formed this firm conviction, then you can give your explanation.

A In order to explain how I arrived at this conviction, I have to state that there were two different lines of thought, two different ideas are merged into each other. One, what I had experienced during the course of the agreement or conferences --

COLONEL NEAVE: What day was that, in 1941?

THE WITNESS: May 1941. Secondly, the impression I received upon being interrogated in 1945, and upon being shown weekly reports of the Einsatz units, or combat units. The result of these two different ideas, of these two themes, was for a conviction which I arrived at in 1945, which I put down in this affidavit.

BY DR. LATERNSER:

Q You further mentioned of 1-C in June 1941.

A Yes.

Q You state that you personally were present at one of these discussions. During that discussion which you attended, was the work of the Einsatz Group discussed sofar as that soncerned themselves with the planned execution of Jews, Communist and other elements of resistance.

A I had already stated that this discussion was generally one that

H1073-0022

concerned itself with the operations, and their carrying them out, and also with actions of the SIPO and SD were concerned with relation as to the basis for that agreement which was the "Fuehrer Decree", which was that the rear of the fighting troops had to be kept clear at all costs.

COLONEL NEAVE: In order to make the record more clear, is this a discussion between Heydrich and Wagner in 1941, or the discussion referred to at the beginning of the affidavit, in 1943, because if you are referring to Heydrich's discussion, it has already been covered in this ~~affidavit~~ examination. The witness has already stated what he knows about it in the answer to your question in this cross examination. Now are you talking about another discussion?

BY DR. LATERNSER:

Q I speak now as I already stated in my question, this other discussion which took place in June 1941, in other words, during the discussion which you attended they did not speak of mass executions?

A During the discussions at the beginning of June 1941 they did not discuss the mass executions, but as to the other part I refer to my previous answer, which is, that there were two parts to this meeting, one as I stated before, the operations meeting, and, secondly, the general meeting.

Q During the course of this meeting of the officers of 1-C, did you participate in further discussions?

A Already at the time and during interrogations I was asked this question, and at that time, already, I had stated that so far as I remember there was no further discussion, that is, I did not participate in any further discussions.

Q If that was not the case, I would like to ask you what was the basis

H1073-0023

of your conviction of the regular army and army group officers, how they received their information through the regular army channel, concerning the planned mass exterminations. What facts can you give concerning this?

A I refer my answer to my previous statement, since they are the actual background, and further I want to explain the following, and I ask you to permit me of what I want to explain.

Q I ask you for the facts which lead to your conviction, that if the army and army groups were informed through regular army channels of any possible planned mass executions?

A I would like to ask, first, what does the defense point out, especially, what I mean by regular channels or normal channels of how the members, or general officers of the army and army corps received any possible knowledge or information of these mass executions.

COLONEL NEAVE: Dr. Laternser, as I understand it the witness has already answered as to the basis of his conviction that this order was passed through army channels, and of that information the army was referred to, and you have asked whether you can submit those two orders to him originally referred to, and I said I would look at them first. Now we have already covered that list.

DR. LATERNSER: Mr. President, I asked the witness whether or not he has any facts in addition to his conviction that would point to the fact that the commanders of the Armies, and the Army groups were informed of any possible planned mass executions from the normal channels of the OKH.

COLONEL NEAVE: Wait a minute. Dr. Laternser, that is the identical question you asked him before. Let's have his answer again.

THE WITNESS: I would like to ask one other thing before I answer this question, since I do not know from the tone of the questioning, which

H1073 - 0024

of the questions the defense lawyer wants to answer, or what he considers important. In his question does he want to know concerning the normal channels of the OKH, or concerning any knowledge of the army commanders?

COLONEL NEAVE: The witness can answer. You can answer that question. You can state the facts on which you base your convictions, ~~or base the facts~~. Why do you say these orders were passed on?

DR. LATERNSER: But as you have claimed already before ---

COLONEL NEAVE: Wait a minute. Let him answer. Don't ask the question. Let him answer my question.

THE WITNESS: If I leave out all these side points I can make this answer rather brief. First,the tone of the discussion at that time; secondly, the use of members of the SD and the SIPO in fighting zone, and, thirdly, upon the actual occurrences.

BY DR. LATERNSER:

Q In other words, you do not have any specific facts which can show that these army commanders were informed of any planned mass executions before the start of the campaign?

A The almost logical pointwas enough proof for me.

COLONEL NEAVE: I don't quite understand that answer.

THE WITNESS: The almost logical sequence of the occurrences was enough proof for me. May I add, as Isaid in my affidavit, itwas enough proof for my conviction as I stated in the affidavit.

BY DR. LATERNSER:

Q Can you name me anywhere a commander in chief who was informed of the planned mass executions before the beginning of the Russian campaign?

A I did not concern myself with this question in the last few years.

Q In other words, you donot care to name any one who was informed

H1073-0025

of this that you know of?

A According to my answer, no.

Q Concerning the discussion of the 1-C that took place in June 1941 you state the following: Now you stated that this 1-C officers from the various commands had been called together by General Wagner. How did you know that General Wagner called together these 1-C officers?

A If the formal side of this matter is so important, I want to state this as a fact, that the basis for my conviction was that Wagner himself had this discussion.

Q But in this affidavit you stated that the calling together as a fact, and not as you state now, that it was your conviction.

A I do not want to go into splitting words. Whatever I said in the affidavit is complete truth, and, of course, I will tell the entire truth before this court also.

COLONEL NEAVE: Yes, but witness you can answer counsel's question.

THE WITNESS: Then may I ask the President's permission if I can read my affidavit once again in order to remind me.

COLONEL NEAVE: I think he has a copy of the affidavit. I got one here, I got the German here.

BY DR. LATERNSER:

Q You say just now that you said that this calling of this meeting was not a fact.

A Yes, it was a fact since I personally with my own person was present.

Q Yes, but in this case you do not want to discuss the fact that there was such discussion and also that Wagner called this discussion?

A There is something that is missing from the affidavit, or since at

H1073-0026

the time of the interrogation no value was placed upon the question as to whom had called the meeting, but rather only that a meeting had taken place.

COLONEL NEAVE: He says they were called for a meeting in his affidavit.

THE WITNESS: Yes, and I want to remain on that statement.

BY DR. LATERNSER: But it seems that you do not know whether or not Wagner called together these officers?

A I state that my subjective knowledge goes to the point that General Wagner led the discussion at that time, and at the time when I made out the affidavit that was sufficient fact for me to make the statement.

Q I understand your answer, witness, however, I would like you to answer the question. The question is, do you know if General Wagner called this discussion of the 1-C officers.

A I want to state in this case that due to the long time that has passed, and the fact that I actually never saw a written printed invitation of Wagner, I think having stated that my basic knowledge in this case is of the fact that Wagner led the discussions.

Q In other words, you want to state your conviction in this case?

A Also my subjective knowledge, basic knowledge.

Q There is no answer to my question. You expressed your conviction in this case, because evidently you can not give me positive proof of the fact that Wagner called together these officers.

A I have to say something now which I did not want to do since it is rather a comment in addition to this affidavit, if I remember correctly. Wagner stated at the beginning of the meeting, "Officers, I call you together," and so forth.

H1073 - 0027

Q Do you know whether General Wagner, the Quartermaster General, had the right to issue in the armies or army groups an order that 1-C officers come for a discussion with him?

DR. KEMPNER: I think the affidavit is quite right, not what Wagner has told him or Hitler has told him. The witness has stated very clearly, he had called these people together, and that is what is in the affidavit, and he has been harping now on this point for ten minutes without any results.

COLONEL NEAVE: Whether Wagner called the meeting or not is a question of fact, and the defense, ~~DR. LATERNSER~~ Dr Kempner, has the right to ~~attack~~ dispute the credibility of the witness in that respect.

DR KEMPNER: I object again.

COLONEL NEAVE: Doctor Laternser, whether or not he was the proper person to ~~say~~ call it, does not seem to be very relevant. However, ~~at this time in~~ the cross examination ~~it~~ may continue provided it is kept short. We are only concerned whether or not this meeting was in fact called by Wagner.

THE WITNESS: May I answer the question?

COLONEL NEAVE: Yes.

THE WITNESS: I do not know whether this calling of this meeting by General Wagner was outside of his field of activities, or whether he acted upon a single decree by some higher person unknown to me.

BY DR. LATERNSER:

Q You further state in your affidavit, and I quote from the bottom of page 3: "The essential substance and purpose of this meeting was to outline the military strategy against Russia, and to announce the above-mentioned details of the written agreement reached by Wagner and Heydrich." You attended, as you stated before, only one discussion?

H1073-0028

A Yes.

Q Did the discussions take several days?

A Sofar as I remember and I have stated, yes.

Q How can you inform us of the basis idea and of the matters as to why this discussion was called,when you only attended one session of it?

A Because the formal discussion concerning the point I have mentioned was discussed on the day I attended,and I don't know what other discussions they concerned themselves with.

Q In other words, you do not see any other reasons for the other discussions of the next days. Do you know what the matters were that were discussed in the next few days?

A I stated already that due to the fact that in the discussion I attended the formal matters were all discussed, and I suppose that in the next few days probably other smaller matters, as I have stated in the affidavit, were discussed.

Q In other words, you do not have positive knowledge what were the matters under discussion of the discussions that took place within the next few days.

A I do want to refer back to the contents of the affidavit, in which I stated that I supposed that due to the actions and discussions which I saw take place that I considered the facts which I had mentioned as the basis.

Q You state as your conviction, or your idea,that in the discussions of the next few days the leaders were informed of the planned mass executions?

A Yes.

Q In other words, it is purely a probability, or an idea of your own?

A It is today still my personal, or rather strong conviction due to

77

H1073-0029

the matters which actually occurred.

Q You do not have, in other words, a positive knowledge that they were informed?

A No. Maybe there are other witnesses for that.

Q I have a witness. I now want to say this -

DR. LATERNSER: I now want to introduce a document which I shall give the number of 701-A.

COLONEL NEAVE: Will you before introducing it hand this document to me.

DR. LATERNSER: Yes. I want to submit an affidavit which was sworn to on 18 July by Brigadier General Kleikamp. I quote from this affidavit one sentence.

COLONEL NEAVE: Let him translate it first. Before you translate it I want to see it. Dr Laternser, before your extract was translated, where was this affidavit formulated?

DR. LATERNSER: Yes. In Ahlendorf.

COLONEL NEAVE: You want to submit this to the Commission as part of ~~your~~ the record?

DR LATERNSER: Yes.

COLONEL NEAVE: Have you any comments?

DR. KEMPNER: I understand in this proceeding as we have it today, this witness should be cross examined whether his affidavit is true or not true. I don't think it is to introduce the affidavit in this stage of the whole case. If counsel thinks he has to question the witness about some sentence out of the contents here I would not object, but I object to the introduction of the affidavit.

COMM B
3-10
25 July
Gallagher
1200-1300
Schellenberg

H1073-0030

COLONEL NEAVE: Dr Laternser, the Commission makes the following ruling in regard to this document.

DR. LATERNSER: Mr Commissioner, I wish I could give my point of view concerning the objections of Dr Kempner.

COLONEL NEAVE: Well, briefly.

DR LATERNSER: I believe that this objection is not correct. I am using, or doing something now which the prosecution has done time and time again in the last few months during the questioning of witnesses.

COLONEL NEAVE: Wait a minute. There has never been a procedure like this before the Commissioner. This is a case where the Tribunal has given a special permission to defense counsel to cross examine one of the prosecution witness, and anything that previously had been before the Tribunal does not apply here at all. Go ahead.

DR. LATERNSER: After I have submitted this document, I would like to ask one question of the witness, which probably would lead to the shortening of the entire discussion.

COLONEL NEAVE: I make the following ruling. You may submit this document to the witness, and cross examine him on it. Whether the document may be introduced in evidence during this ~~time~~ of hearing, and not during the Commission hearings ~~if the affidavit is questioned,~~ for the examination of affidavits will be referred to the Judges during the lunch hour. It would appear to me the prosecution is perfectly right, that it is not the correct manner in which to present documents in the form of affidavits here. It is not exactly the same type of hearings that we have been having in the past; however, since this point may arise again, the Commissioner will speak to the Tribunal about it during the lunch hour. In the meantime, if you wish, will you submit the

H1073-0031

affidavit to the witness. Wait a minute, ~~I shall~~ please translate the extract, as we want to know what it is about.

DR LATERNSER:" The true duties, intentions and goals of the Einsatz Groups were not mentioned with a single word. There use was explained to be as political security and investigation measures."

COLONEL NEAVE: Is that all?

DR. KEMPNER: Mr Commissioner, I think the witness should know the time of this alleged conversation or meeting. We don't know whether this meeting is identical with the meeeting that the witness has in mind.

COLONEL NEAVE: Go onand make that point clear.

BY DR. LATERNSER:

Q I show you,witness, a sworn affidavit of Brigadier General Kkeikamp, which I'll show to you immediately. At that time General Kleikamp was a 1-C officer of Army Group South,and he participated in this meeting in June 1941. He states in this affidavit that the 1-C officers were not informed of any proposed mass executions within any part of Russia. This is a sworn affidavit which I beg you to read through,and I would like to ask you question after you have read it.(Witness reads the affidavit). Witness, I would like to ask you whether you now remain with your firm conviction, when 1-C officers during that discussion were informed of the proposed mass executions to Russia, or you remain of your firm conviction as you have stated after having read the sworn affidavit of one of the participants?

A I want to state the following sofar as this is concerned. If Brigadier General Kleikamp concerned himself with the meeting in the beginning of June at the meeting which I did mention in my affidavit, then it can be seen in

H1073-0032

my affidavit that mass executions were not mentioned during that discussion; secondly, I don't doubt it that I would say that it was possible that what is mentioned in this affidavit was also under discussion,but I do remember the fact that at the time was discussed the military use of SIPO and the SD as a security for the socalled Rollbahnen, the supply roads leading up to the front. This was not just a police measure, but it was actually to use as a military force the SIPO and the SD. I just made this example in order to show that the sworn affidavit by Brigadier General Kleikamp is not quite complete,and I'll have to remain with my firm conviction that in that discussion later on the true use of these units, as I had to see it later, was discussed,and concerning which this Brigadier General Kleikamp does not say.

Q You want to keep your conviction that during those meetings planned mass executions actually were discussed, even though you have in front of you a sworn affidavit of one of the participants in the discussion in June 1941, which tell us that these matters were not discussed?

A I do not want to evaluate the trustworthiness of these two submitted affidavits. I want to state again that in the discussions later on at the beginning of June 1941, which I did also mention in my affidavit, that in those latter discussions the matters as I have explained were probably discussed.

Q Witness, how can you claim this was discussed at that time, even though you were not present?

A I'll say that if you think back over the entire morning of cross examination here,the only basic question was, how I arrived at this con-

H1073-0033

viction,and I don't think anything more can be said about it.

COLONEL NEAVE: Dr. Laternser, do you want to go on any longer after lunch? This cross examination has gone on for a long time on this affidavit. Howmany more points do you wish to cover?

DR. LATERNSER: I am to finish immediately.

COLONEL NEAVE: Well, is this going to be your last question? I think we will have to adjourn in any case, ~~and you save your point on this document~~. Do you still wish to submit the orders referred to on page 2 of the affidavit?

DR. LATERNSER: I don't think that it willbe necessary any more.

COLONEL NEAVE: Is that all of your cross examination.

DR. LATERNSER: No.

COLONEL NEAVE: How much longer do you want to go on with it?

DR LATERNSER: Only a short time.

COLONEL NEAVE: Well, it ~~will~~ showed be a very short time, as it is a very short affidavit.

(A recess was taken until 1400 hours)

H1073-0034

The Commission reconvened at 1400 hours.

COMMISSIONER: Dr. Laternser, the affidavit that you wanted to submit to the Commission this morning must be dealt with by the special commission appointed for that purpose.

Will you put it in with the remaining affidavits on behalf of the General Staff, in the usual way?

Now, I understand that you have a few more questions to ask this witness, Dr. Laternser.

BY DR LATERNSER:

Q Witness, your activities took place near Himmler?

A Yes, from June 1942.

Q Do you expect trial against you on the part of the Allies?

A According to the circumstances, yes.

DR LATERNSER: I have no further questions.

RE
~~CROSS~~-EXAMINATION

BY DR KEMPNER:

Q I now come back to the affidavit which was submitted by you. Was that affidavit 100% correct -- yes or no?

A Of course, yes.

Q As regards the affidavit and your statement in connection with this affidavit, the correctness of

H1073-0035

the affidavit was by no means influenced by the fact that it was to be submitted to a court - or not?

A It was one of my 240 testimonies which I gave in my own case.

Q All right. When did you pass over from the inner administration to the Gestapo?

A From the legal point of view, in 1937; and as regards my full functions, in 1939.

Q You remained in this office until 1944 or 1945?

A I suggest that the RSHA can be considered as an organization.

Q Your activity extended over various departments of the administration, so that you could gain a certain impression of the administration? When did you enter the administration and how long were you there?

A Practically, I worked in the SD and in the administration since 1935.

Q So your general knowledge of the administration can be considered as a basis for your statement which you have given here?

A Insofar as there are points of contact, yes.

DR KEMPNER: That's all.

COMMISSIONER: The witness may go now.

Dr. Kempner, have you any instructions to the guards, as regards this witness? Is he to remain?

H1073-0036

DR KEMPNER: Yes, for subsequent proceedings.

COMMISSIONER: Witness, you may go now.

If the other witness is out there, will you bring him in?

* * * * *

H1073 - 0037

The foregoing is a true and correct transcript of the testimony of GENERAL SCHELLENBERG, taken on 25 July 1946.

Alice Mahan
Reporter (pp 1-10

Bernice Winkler
Reporter (pp 11-19

Charles Gallagher
Reporter (pp 20-32

Bioki
Reporter (pp 33-35

CERTIFIED TO :

Ann Meare - Lt Col.
Commissioner

Mr Denney

Com.B.
Take 1-Pag 1.
Meehan
25 July 1946
Schellenberg.

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

25 July 1946

(THE COMMISSION CONVENED AT 1015 HOURS.)

COMMISSIONER:

Colonel A. M. S. Neave

O. K. W.

GENERAL HALTER SCHELLENBERG, a witness, took the stand and testified as follows:

THE COMMISSIONER: Raise your right hand and repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE COMMISSIONER: You may be seated.

COLONEL NEAVE: May I see a copy of General Schellenberg's affidavit?

DR. LATERNSER: I have one here.

(THE COMMISSIONER IS HANDED A COPY OF DOCUMENT USA 557.)

CROSS ~~CROSS~~ EXAMINATION

THE COMMISSIONER: Dr. Laternser, will you confine your examination to the subject matter of the affidavit.

DR. LATERNSER: I will. Witness, you have given an affidavit, No. 12, which has been submitted by the prosecution as USA 557 in the case against the General Staff of the OKW.

THE WITNESS: I cannot remember the subject matter of this affidavit, as I have given many affidavits.

(THE WITNESS IS HANDED A COPY OF DOCUMENT USA 557)

DR. LATERNSER: I show you this affidavit now and ask you to look it over.

COLONEL NEAVE: Did you swear to this affidavit?

THE WITNESS: Yes.

BY DR. LATERNSER:

Q. First of all, I would like to put a few questions in regard to the drafting of this affidavit. Who drafted this declaration?

A. The declaration which you just showed me? I drafted it.

Q Did you write it down yourself?

A. I partly wrote it myself and partly dictated it.

Q. Who asked you for this declaration?

A. I cannot remember the name, but if I am not mistaken, it was a Colonel.

Q. Were you told what was the purpose of this declaration?

A. No, I had the impression that I would be cross examined in regard to this question.

Q. You were not told the purpose?

A. No.

Q. Did you make any corrections when you were given this declaration to sign?

A. Yes, I did.

Q. When you signed it, you were of the opinion that this statement was correct?

A. Yes.

H1073 – 0039

H1073 - 0040

Q. I refer to the following sentence of the affidavit: "According to my order, I should see to it that the responsible services of the army were held to help in all activities of the so-called Einsatsgruppen and Einsats-commandoes of the Sipo and SD."

Following that sentence, I should like to ask you what you mean by the words "in all activities?"

A. May I remark that you assume in the question I received the order from Mueller, but as a matter of fact I received it from Heydrick.

Q. What do you mean by "in all activities?"

A. In this connection I have to point out two matters. First, of all the order given by the Fuehrer, which was on the basis of all the negotiations and the agreements....

Q. I must in errupt you. We shall speak of the Fuehrer's order later. I ~~ask~~ ask you what do you understand by the words "in all activities" in this connection. Please answer this question.

A. In order to explain this, I have to speak of the other matter.

COLONEL NEAVE: Surely the witness can answer the question what he understands by "all activities."

DR. LATERNSER: I have put this question twice already to the witness

COLONEL NEAVE: Will the witness answer the question?

THE WITNESS: The answer to this question is not as simple as that as I have to describe the background to the agreement. We have to deal here with two different things, first the carrying out of the Fuehrer's order and secondly the intention which Heydrick had in this respect.

BY DR. LATERNSER:

Q. I shall speak of these things afterward. I should like you to answer the question What do you understand by "all activities" in this connection?

A. Partly from the order of the Fuehrer and of Heydrick and I make the following statement. It was the intention to keep free the rear of the combat troops under any circumstances. Heydrick had the plan for the first time to assign civil organizations for combat on the front. It was possibly the decisive plan of Heydrick as it was for the first time in the history of war that this was possible.

COLONEL NEAVE: This witness is not answering the question. Did you know what was meant by the phrase, "all the activities of all the groups of Einsatsgruppen and Einsatscommandoes of the Sipo and SD?" Witness will you answer the question did you know wh at all these activities were?

THE WITNESS: As I have already stated, this order was meant first of all to keep free the rear of the combat troops and secondly to give an opportunity for the Sipo and for the SD to fight on the battle front. That is what I understood by all activities.

COLONEL NEAVE: And that is what you are referring to in the affidavit?

THE WITNESS: That is what I am referring to in the affidavit.

COLONEL NEAVE: Now, I think we can go on.

BY DR. LATERNSER:

Q. Did you mention or did you hint at any other activities in your conversation with General Wagner?

A. In the conversation I had with Generalquartermaster Wagner, we always dealt exclusively with the carrying out of the Fuehrer's order and the plan of Heydrick to use these civil organizations on the battle front.

Q. You never mentioned mass extermination in your conversation with General Wagner?

A. No.

H1073-0041

Q. Now you use in this same sentence, the words "firmly obligated". This expression shows that you had some suspicion toward General Wagner as regards to cooperation. What was the basis of this suspicion?

A. There was such a suspicion on the part of Wagner and as far as I can judge this suspicion was based on his feeling that an assignment of the Aipo and SD to combat troops would entail some difficulties in regard to the issuing of orders. He also had the feeling that Heydrick would profit by such a situation in order to erect his own army among the combat troops, with all the possibilities of being good soldiers in combat and being decorated.

Q. Witness, you certainly knew the competence of the General Quarter Master and what they were in principle regarding supplies and administration behind the lines?

A. I knew what the general and normal tasks of a quarter-master were, but in this connection Wagner acted as representative of the army and of the OKH.

Q. Did you not hesitate at that time to discuss these matters with the General Quarter Master as you knew of his competences?

A. I just declared to the contrary. I cannot understand the question. I said that I knew about the normal duties and normal competences of a general quarter master but in this case Wagner acted as representative of the OKH.

Dr. Kempner: I think we are now absolutely outside of the affidavit.

COLONEL MEAVE: The competence of military leader is never claimed in this affidavit or otherwise and that General Schellenberg knew all the military matters.

Dr. Laternser, where is this cross examination supposed to be leading?

DR. LATERNSER: The next question will show that.

COLONEL MEAVE: Let us stop that particular line.

H1073 - 0042

BY DR. LATERNSER:

Q. You just said that during these negotiations you considered the general quarter master being the representative of the OKH.

A. Yes, I had to consider him as such because first he acted as such during the negotiations which took place and then he was introduced to me as such by Heydrich.

Q. You mentioned an order issued by the Fuehrer?

A. Yes, I always like to repeat this order because I wanted to clarify the matter.

Q. You mentioned this order in the affidavit too?

A. Yes.

Q. It was the basis of the Fuehrer's command mentioned at the beginning of this agreement that the Sipo and SD should operate within the field army as well as connection with their supply lines by every means and as quickly as possible. Did you read this order of the Fuehrer?

A. I did not read it myself, but Wagner read it to me and we agreed to use it as a preamble in the above mentioned agreement. I do not know if he read it out completely.

Q. You yourself did not see the order?

A. No, I never saw anything in writing.

Q. On page two of this affidavit, you say that, "The tactical and functional authority and responsibility of front-line headquarters of the Field Army over the Combat Commandos found no limitation in the agreement and therefore needed no further clarification." What do you understand by the words, "tactical and functional authority?"

A. I have to enter into the motive which was behind this whole agreement.

H1073-0043

Q. Witness, you can tell us afterwards. Now, I should like to know what you mean by "tactical and functional authority?"

A. I can only explain this point within the general shceme. There is no sense in interrupting me always. I have already stated that the General Quartermaster Wagner was afraid of Heydrick and his civil organizations to a great extent in the event of the battle front. It is a question of the tactical and functional authority in the front territory. This matter almost led to a break-off of negotiations which took place at that time. When I started taking part in these negotiations I saw at once that this was the crucial point of all the negotiations on the part of Wagner. By the words, tactical and functional authority, I understand the unlimited ~~xxxxxxxx~~ authority of a gront commander. This is why I did not discuss ant further this special point during the negotiations, but is was discussed later on in a conversation which Heydrick had with Wagner himself. Wagner, himself, stated, speaking about this point and I absolutely remember the following words: "Mr. Heydrick I am very grateful to Schellenberg for having discussed these questions with me in a very sensible way, because you as an old navy officer will understand that there cannot be two masters on the front." Thus, Heydrick was somewhat flattered and he entered into a discussion at that point, not for my sake, but for the sake of Wagner.

Q. Furthermore, you state in your affidavit that, "The agreement made it clear that the administrative subordination embraced not only disciplinary subordination but also the obligation for rear headquarters of the Field army to support the Combat Groups and Combat Commandoes in matters of supply (gasoline, rations, etc.) as well as in the use of the communications network."
Have you ever head of a case in which the superior officer had made use of this disciplinary power against the Sipo or the SD?

H1073 - 0044

A. My affidavit, as far as I can remember, refers only to the agreement and to the final draft of the agreement. In this respect, the matter was settled as I described it already and I can remember an example which would illustrate this matter. Wagner once said to Heydrick, "I am convinced you have your men in firm hands, but you know how things can be in such a war. You can see how willing the army is to put up with this new organization." I can remember another example when Wagner said, "You know perfectly well, we will have some difficulty on account of the old alcohol. You know in such a case, it is important to be able to take effective measures." Another example, he mentioned the supply roads behind the battle lines and in these supply roads, the members of the Sipo wanted to have priority and this matter, of course, had to be clarified.

A. All that does not exclude your answering my question.

A. I have already answered the question. I only referred to the contents of my agreement and not to a later stage.

Q. You are a witness and have to answer questions.

A. I have answered questions.

COLONEL NEAVE: You may ask the question, Dr. Laternser.

Dr. LATERNSER: Witness, I ask you whether you have a knowledge of a case in whcih an officer of the army has made use of his disciplinary power against a member of the Sipo or SD ?

DO. KEMPNER: This is not in the affidavit.

COLONEL NEAVE: Dr. Kempner, this is cross examination and I will allow that question. Dr. Laternser, please do not go too far in this reference to an agreement outside of the affidavit.

H1073-0045

DR. LATERNSER: I think the question which I just put hardly exceeds the framework of this affidavit.

COLONEL MEAVE: Go on.

THE WITNESS: I personally did not care for the events in the east. After this agreement had taken place, I had no knowledge afterward of such a case.

Q. This would have been an extraordinary matter if a member of the Sipo or SD had been punished by an officer of the army and it would have become known?

A. Well, I cannot say anything about that point and they probably would have taken someone who was not familiar with these matters.

H1073 - 0046

H1073-0047

Q. Can you tell us whether reports on the Commando Groups were submitted to Army headquarters? This would certainly have happened if these groups had been subordinate to Army headquarters.

A. May I ask your permission to read this passage first?

Q. Yes. Page 2, last paragraph - the report is mentioned.

A. I take the liberty of stating that such a report was shown to me during the cross examination by the prosecution. On the ground of the knowledge of this report, I have taken personal position to this matter.

Q. You had no hesitation to make use immediately of such document which just had been shown to you, and this in a testimony which you have given under oath.

A. Will Dr. Laternser please explain to me what he understands by "make use of."?

Q. You made these reports the subject of your testimony.

A. I was under oath and I had to take position in regard to this matter.

Q. Were you shown the original reports?

A. I cannot say that now. I have been shown so many things.

Q. You state in your affidavit "12 that you acknowledged the correctness and the credibility of the reports just mentioned.

A. I did so, because on the ground of my knowledge of the general form in which reports were drafted in the RSHA. I was convinced that these reports could not be falsified.

Q. How do you know that there were conversations between Heydrich and Wagner as regards to the further interpretation of disagreement?

A. My defense counsel is suggesting that there were such conversations, but I'm convinced I used the word presumably.

Q. Witness, in this respect you are wrong. You state here "just while leaving I heard how they both wanted to discuss in complete privacy of the Fuehrer's command which was apparently known in advance by each of them personally, and its far reaching complications. After the half hour passover I was called in once more, just to say goodbye."

A. I happened just as I stated here.

Q. What did you hear when you were leaving?

A. I heard that two gentlemen were desirous to discuss the order issued by the Fuehrer. However, I want to state that I cannot remember the exact words which were used during this conversation.

Q. You will probably not be able to tell us whether this was actually the case afterwards?

A. No, I was not present. I wasn't eavesdropping either.

A. It is stated on page 3 of your affidavit - "Therefore, I must express today my firm conviction that during the secret oral discussion between Wagner and Heydrich the extensive future activity of the Combat Groups and Combat Commandos with the combat element of the Field Army was obviously discussed and delineated so as to include even planned mass executions."
You did not have this impression during and immediately after the discussion.

A. I was so busy with the formulating matter that I didn't think of its consequences.

Q. But how does it come that later on you had this impression?

A. If I am not mistaken I think I have tried to explain this in the affidavit. On the ground of the report which was submitted to me by Oberfuehrer Stahlecker, I had to gain the impression on the ground of the data that if such a thing could happen, it must have been discussed.

Q. You want to state that on the ground of the documents which were shown to you in 1945, you gained the impression that the conversation took place between Heydrich and Wagner in May 1941?

Dr. KEMPNER: I object against this question for one reason. The document - the Stahlecker document is not a document of 1945 - to make it very clear - but a document of 1941. It was only shown to the witness in 1945, and I suggest that this question is changed to exact course of events, so that the witness really known what the matter is and not matters manufactured as suggested in 1945.

COL. NEAVE: What is the exact date and description of this Stahlecker document?

MR. RAPP: 1941 in the advance of Moscow.

COL. NEAVE: Has the document been shown to the witness during the past two months. Is the document here - is it available?

MR RAPP: Yes, it is available. I know the document has been used in evidence.

COL. NEAVE: I only wanted to satisfy that Dr. Laternser is under a wrong impression. What is the number of the document?

MR. RAPP: I believe - I'm not sure - it might be 871 P.S.

COL. NEAVE: It would appear that you are under incorrect impression, and it is available as a document introduced by the prosecution and is dated sometime in 1941.

DR. LATERNSER: Mr. President, I am parting from the same facts which have just been stated by Dr. Kempner.

COL. NEAVE: There hasn't been a mistranslation here, has there? Has he referred to the document dated 1945, and it is true that you mean the document dated 1941 and shown to the witness in 1945.

DR. LATERNSER: Yes, that is right.

H1073-0049

COL. NEAVE: There seems to have been some misunderstanding. The document, I understand, is L-180, dated 15 October 1941.

MR. RAPP: Signed by Dr.....

COL. NEAVE: Personal property of the SS-Obergruppenfuehrer. Yes, it is signed by Dr. Stahlecker. Well that clears up that point.

DR. LATERNSER: The objection against my question has become thus immaterial.

COL. NEAVE: It all seems to be based on misunderstanding. Will you repeat your question so that we are quite clear on what you mean? Repeat the same question. Go ahead, Dr. Laternser.

Q. Witness, you want to say that today, that is to say the date when this affidavit was drafted - that is to say in 1945 - on the ground of the document which was shown to you in 1945, you gained the impression that the conversation held between Heydrich and Wagner in May 1941 was of the following contents.

A. As I have stated in the affidavit, I tried to remember very exactly the time to which I was referring in this affidavit. On the grounds of documents which were shown to me in 1945 or in 1946, I draw, on my part, the conclusion that according to the goal of events, the conversation which took place in 1941 presumably had these contents.

Q. It is only a presumptionof yours?

A. I have stated that in the affidavit.

H1073 - 0050

Q. And you have no recollections of the time of 1941 which could support this presumption of yours?

A. Oh, yes. Later I heard so many witnesses and according to the statements of these witnesses, I gained the impression that it was not perhaps a presumption of mine, but a real fact.

Q. Witness, I think you go a little too far. I must draw your attention to the fact that you are under oath. I have not finished

my question, Witness.

you stated that in 1945, you presumed that the conversation of 1941 was of such a content and now you want to re-enforce this presumption of yours by the testimony which you just gave. Will you tell us that this is a fact?

DR. KEMPNER: My objection against this kind of questioning is the following. The defense counsel put something in the mouth of the witness he has not said. The defense counsel has said, and now I say it in German - the witness had gained the impression that presumably he had said something. As a matter of fact the witness said, "I was forced to the conclusion that this has taken place presumably."

COL. NEAVE: It is perfectly true he did add the word presumably at the end of his answer, and it is possible that there is a ce tain misunderstanding here as to his answer, Dr. Laternser, but otherwise, Dr. Kempner, it is a perfectly proper line of examination. Dr. Laternser hasn't misunderstood what I said. It was a proper line of examination.

DR. LATERNSER: No.

Q. You just used the word "fact". As far as I can understandyou, you have the intention of using this word to re-enforce a presumption?

A. May I declare the following as regards to the whole complex?

Q. No, you are supposed to answer my question.

A. First I want to say that there is no need to remind me of my oath.

First when I stated this presumption in my affidavit, I was in a single cell. At least the essential contents of this affidavit were discussed when I was in a single cell or at least when I had no opportunity of discussing this matter with other witnesses for the Sipo and SD.

COL. NEAVE; Dr. Laternser, the Commission will adjourn for ten minuted. I want to see the defense counsel for the SD and Gestapo.

Recess: 1130 hours
Reconvened: 1145 hours

H1073-0051

COL. NEAVE: Dr. Laternser, before we resume, how much longer do you expect your corss examination to take?

H1073-0052

DR. LATERNSER: I hope until noon.

COL. NEAVE: Will you be re-examining, Dr. Kempner?

DR. KEMPNER: Very short, but this means another hour on the affidavit.

COL. NEAVE: Do you mean one o'clock, Dr. Laternser?

DR. LATERNSER: One o'clock.

COL. NEAVE: Do you really think you will need until one o'clock to finish with this witness?

DR. LATERNSER: Yes.

COL. NEAVE: Well you must make your questions as brief as possible. The Tribunal gave permission to cross examinet these witnesses on the understanding that you would be quite brief on the examination and limited entirely to the subject matter of the affidavit. Go onl

Q. Witness, in your affidavit you mention the words "comprehensive report of combat group" - you have seen these reports in detail?

A. May I read this page of my affidavit before I answer the question.

COL. NEAVE: Yes, you may do so. What page is it?

DR. LATERNSER: Page 2 - last paragraph.

A. Yes, according to the affidavit I read two reports. One - ~~current~~ operational and situational report # 6 and one - comprehensive report of combat group.

Q. So you have seen the reports in detail?

A. I have read them.

Q. Is it stated in one of these reports or is there any remark that these reports had been passed on to Army headquarters?

A. I cannot remember whether there was any statement as to the distribution of these reports, but I can remember that during my cross

examination, I gained the conviction that these reports were as a matter of fact handed on to Army headquarters.

H1073-0053

Q. But you have not stated this in your affidavit?

A. I don't know - may I read it once more. No, I have not dealt with this question in the affidavit and only is so far as I refer to the sentence which was just read out.

Q. You have just said that you were convinced that these reports were handed on to Army headquarters, and you have gained this conviction when you read the reports?

A. That is correct, but I have not expressed this view in the affidavit.

Q. But you expressed this view not?

A. Yes, I have done that.

Q. I shall show you these two reports now and I shall ask you to show me the passages from which you could gain this conviction.

A. There is no need of showing me this document, because I have just read the sentence which is essential for my conviction. It is a question of the praise which is given to the troop for the good cooperation with Hoeppner.

Q. After the recess I shall have to show these documents to the witness.

COL. NEAVE: In view of that answer - is it really necessary to submit those orders? In view of that answer.

DR. LATERNSER: The witness had said that on the ground of reports he had gained the conviction that the reports were handed on to Army headquarters. I will submit these reports after noon recess.

COL. NEAVE: Well, you haven't been given permission to do so yet. I'm discussing with you whether it is necessary to submit these reports in view of his answer as to what his conviction was, and with the object

of saving time.

COL. NEAVE: He states that in this case the liaison was very close and almost cordial, and that in fact is the basis of his conviction that the orders were passed on to the Army. What is the point then of showing him the orders? Is the position clear. Well, you may refer to the matter later. If it is really necessary to clarify that further, you may refer to that later, but not before you have spoken to me personally and supplied me with copies of those orders, so that I can see them.

DR. LATERNSER: Very well.

COL. NEAVE: The only question here if what the witness basis his conviction, and he gives a perfectly good answer.

DR. LATERNSER: I will check this matter and I will come back to it.

COL. NEAVE: I shall want to be satisfied that we need go into that matter further and therefore you should show me copied of the order.

Q. You further stated that....."the Oberbefehlshabers of the army groups and armies which were to take part in the Russian campaign were accurately informed through the normal OKH channels of communications about the extensive future mission of the Combat Groups and Combat Commandos of the Sipo and SD as including planned mass executions of Jews.." I now leave out the rest of the phrase. Did you know that Combat Groups received direct orders from the higher headquarters that they were not to discuss with the Army any of their actions and that this decree was handed by Hitler personally both to the Army and to Himmler?

A. My answer again concerns itself with two points. Firstly, I don't know of any such order. Secondly, just how or rather by what way I arrived at the statements I made in this affidavit and also in order to answer any possible fu rther questions, I can make a rather exact or detailed statement concerning this.

Q. You stated today that you want to express your firm conviction. I aks you now - did you have this same conviction in 1941 already or did you just arrive at it in 1945.

A. I want to refer back to the wording of the affidavit which says exactly what I thought.

H1073-0055

H1073-0056

Q That is not quite clear?

A Maybe then I might explain.

Q Now I want to know when you formed this firm conviction?

A In explaining I want to state that there are two lines of thought in my affidavit.

Q I would like you to answer my question first, when you formed this firm conviction, then you can give your explanation.

A In order to explain how I arrived at this conviction, I have to state that there were two different lines of thought, two different ideas are merged into each other. One, what I had experienced during the course of the agreement or conferences--

COLONEL NEAVE: What day was that, in 1941?

THE WITNESS: May 1941. Secondly, the impression I received upon being interrogated in 1945, and upon being shown weekly reports of the Einsatz units, or combat units. The result of these two different ideas, of these two themes, was for a conviction which I arrived at in 1945, which I put down in this affidavit.

BY DR. LATERNSER:

Q You further mentioned of 1-C in June 1941.

A Yes.

Q You state that you personally were present at one of these discussions. During that discussion which you attended, was the work of the Einsatz Group discussed so far as that concerned themselves with the planned execution of Jews, Communists and other elements of resistance.

A I had already stated that this discussion was generally one that

H1073-0057

concerned itself with the operations, and their carrying them out, and also with actions of the SIPO and SD were concerned with relation as to the basis for that agreement which was the "Fuehrer Decree," which was that the rear of the fighting troops had to be kept clear at all costs.

COLONEL NEAVE: In order to make the record more clear, is this a discussion between Heydrich and Wagner in 1941, or the discussion referred to at the beginning of the affidavit, in 1943, because if you are referring to Heydrich's discussion, it has already been covered in this affidavit. The witness has already stated what he knows about it in the answer to your question in this cross examination. Now are you talking about another discussion?

BY DR. LATERNSER:

Q I speak now as I already stated in my question, this other discussion which took place in June 1941, in other words, during the discussion which you attended they did not speak of mass executions?

A During the discussions at the beginning of June 1941 they did not discuss the mass executions, but as to the other part I refer to my previous answer, which is, that there were two parts to this meeting, one as I stated before, the operations meeting, and, secondly, the general meeting.

Q During the course of this meeting of the officers of I-C, did you participate in further discussions?

A Already at the time and during interrogations I was asked this question, and at that time already I had stated that so far as I remember there was no further discussion, that is, I did not participate in any further discussions.

Q If that was not the case, I would like to ask you what was the basis

H1073-0058

of your conviction of the regular army and army group officers, how they received their information through the regular army channel, concerning the planned mass exterminations. What facts can you give concerning this?

A I refer my answer to my previous statement, since they are the actual background, and further I want to explain the following, and I ask you to permit me of what I want to explain.

Q I ask you for the facts which lead to your conviction, that if the army and army groups were informed through regular army channels of any possible planned mass executions?

A I would like to ask, first, what does the defense point out, especially, what I mean by regular channels or normal channels of how the members, or general officers of the army and army corps received any possible knowledge or information of these mass executions.

COLONEL NEAVE: Dr. Laternser, as I get it the witness had already answered a basis of his conviction that this order was possibly from army channel, and of that information the army was referred to, and you have asked whether you can submit those two orders to him originally referred to, and I said I would look at them first. Now we have already covered that list.

DR. LATERNSER: Mr. President, I asked the witness whether or not he has any facts in addition to his conviction that would point to the fact that the commanders of the Armies, and the Army groups were informed of any possible planned mass executions from the normal channels of the OKH.

COLONEL NEAVE: Wait a minute. Dr. Laternser, that is the identical question you asked him before. Let's have his answer again.

THE WITNESS: I would like to ask one other thing before I answer this question, since I do not know from the tone of the questioning, which

H1073-0059

of the questions the defense lawyer wants to answer, or what he considers important. In his question does he want to know concerning the normal channels of the OKH, or concerning any knowledge of the army commanders?

COLONEL NEAVE: The witness can answer. You can answer that question. You can state the facts on which you base your convictions, or base the facts. Why do you s ay these orders were passed on?

DR. LATERNSER: But as you have claimed already before--

COLONEL NEAVE: Wait a minute. Let him answer. Don't ask the question. Let him answer my question.

THE WITNESS: If I leave out all these side points I can make this answer rather brief. First, the tone of the discussion at that time; secondly, the use of members of the SD and the SIPO in fighting zone, and, thirdly, upon the actual occurrences.

BY DR. LATERNSER:

Q In other words, you do not have any specific facts which can show that these army commanders were informed of any planned mass executions before the start of the campaign?

A The almost logical point was enough proof for me.

COLONEL NEAVE: I don't quite understand that answer.

THE WITNESS: The almost logical sequence of the occurrences was enough proof for me. May I add, as I said in my affidavit, it was enough proof for my conviction as I stated in the affidavit.

BY DR. LATERNSER:

Q Can you name me anywhere a commander in chief who was informed of the planned mass executions before the beginning of the Russian campaign?

A I did not concern myself with this question in the last few years.

Q In other words, you do not care to name any one who was informed

H1073-0060

of this that you know of?

A According to my answer, no.

Q Concerning the discussion of the 1-C that took place in June 1941 you state the following: Now you stated that this 1-C officers from the various commands had been called together by General Wagner. How did you know that General Wagner called together these 1-C officers?

A If the formal side of this matter is so important, I want to state this as a fact, that the basis for my conviction was that Wagner himself had this discussion.

Q But in this affidavit you stated that the calling together as a fact, and not as you state now, that it was your conviction.

A I do not want to go into splitting words. Whatever I said in the affidavit is complete truth, and, of course, I will tell the entire truth before this court also.

COLONEL NEAVE: Yes, but witness you can answer counsel's question.

THE WITNESS: Then may I ask the President's permission if I can read my affidavit once again in order to remind me.

COLONEL NEAVE: I think he has a copy of the affidavit. I got one here, I got the German here.

BY DR. LATERNSER:

Q You say just now that you said that this calling of this meeting was not a fact.

A Yes, it was a fact since I personally with my own person was present.

Q Yes, but in this case you do not want to discuss the fact that there was such discussion and also that Wagner called this discussion?

A There is something that is missing from the affidavit, or since at the time of the interrogation no value was placed upon the question as to whom had called the meeting, but rather only that a meeting had taken place.

COLONEL NEAVE: He says they were called for a meeting in his affidavit.

H1073-0061

THE WITNESS: Yes, and I want to remain on that statement.

BY DR. LATERNSER: But it seems that you do not know whether or not Wagner called together these officers?

A I state that my subjective knowledge goes to the point that General Wagner led the discussion at that time, and at the time when I made out the affidavit that was sufficient fact for me to make the statement.

Q I understand your answer, witness, however, I would like you to answer the question. The question is, do you know if General Wagner called this discussion of the 1-C officers.

A I want to state in this case that due to the long time that has passed, and the fact that I actually never saw a written printed invitation of Wagner, I think having stated that my basic knowledge in this case is of the fact that Wagner led the discussions.

Q In other words, you want to state your conviction in this case?

A Also my subjective knowledge, basic knowledge.

Q There is no answer to my question. You expressed your conviction in this case, because evidently you can not give me positive proof of the fact that Wagner called together these officers.

A I have to say something now which I did not want to do since it is rather a comment in addition to this affidavit, if I remember correctly. Wagner stated at the beginning of the meeting, "Officers, I call you together," and so forth.

Q Do you know whether General Wagner, the Quartermaster General, had the right to issue in the armies or army groups an order that 1-C officers come for a discussion with him?

DR. KEMPNER: I think the affidavit is quite right, not what Wagner has told him or Hitler has told him. The witness has stated very clearly, he had called these people together, and that is what is in the affidavit, and he has

H1073-0062

been harping now on this point for ten minutes without any results.

COLONEL NEAVE: Whether Wagner called the meeting or not is a question of fact, and the defense, Dr. Laternser, has the right to attack the credibility of the witness in that respect.

DR. KEMPNER: I object again.

COLONEL NEAVE: Doctor, whether or not he was the proper person to say it, does not seem to be very relevant. However, at this time in the cross examination in may continue provided it is kept short. We are only concerned whether or not this meeting was in fact called by Wagner.

THE WITNESS: May I answer the question?

COLONEL NEAVE: Yes.

THE WITNESS: I do not know whether this calling of this meeting by General Wagner was outside of his field of activities, or whether he acted upon a single decree by some higher person unknown to me.

BY DR. LATERNSER:

Q You further state in your affidavit, and I quote from the bottom of page 3: "The essential substance and purpose of this meeting was to outline the military strategy against Russia, and to announce the above-mentioned details of the written agreement reached by Wagner and Heydrich." You attended, as you stated before, only one discussion?

A Yes.

Q Did the discussions take several days?

A So far as I remember and I have stated, yes.

Q How can you inform us of the basis idea and of the matters as to why this discussion was called, when you only attended one session of it?

A Because the formal discussion concerning the point I have mentioned was discussed on the day I attended, and I don't know what other discussions they concerned themselves with.

H1073-0063

Q In other words, you do not see any other reasons for the other discussions of the next days. Do you know what the matters were that were discussed in the next few days?

A I stated already that due to the fact that in the discussion I attended the formal matters were all discussed, and I suppose that in the next few days probably other smaller matters, as I have stated in the affidavit, were discussed.

Q In other words, you do not have positive knowledge what were the matters under discussion of the discussions that took place within the next few days.

A I do want to refer back to the contents of the affidavit, in which I stated that I supposed that due to the actions and discussions which I saw take place that I considered the facts which I had mentioned as the basis.

Q You state as your conviction, or your idea, that in the discussions of the next few days the leaders were informed of the planned mass executions?

A Yes.

Q In other words, it is purely a probability, or an idea of your own?

A It is today still my personal, or rather strong conviction due to the matters which actually occurred.

Q You do not have, in other words, a positive knowledge that they were informed?

A No. Maybe there are other witnesses for that.

Q I have a witness. I now want to say this -

DR. LATERNSER: I now want to introduce a document which I shall give the number of 701-A.

COLONEL NEAVE: Will you before introducing hand this document to me.

DR. LATERNSER: Yes. I want to submit an affidavit which was sworn to on 18 July by Brigadier General Kleikamp. I quote from this affidavit one sentence.

H1073-0064

COLONEL NEAVE: Let him translate it first. Before you translate it I want to see it. Dr. Laternser, before your extract was translated, where was this affidavit formulated?

DR. LATERNSER: Yes. In Ahlendorf.

COLONEL NEAVE: You want to submit this to the Commission as part of your record.

DR. LATERNSER: Yes.

COLONEL NEAVE: Have you any comments?

DR. KEMPNER: I understand in this proceeding as we have it today, this witness should be cross examined whether his affidavit is true or not true. I don't think it is to introduce the affidavit in this stage of the whole case. If counsel thinks he has to question the witness about some sentence out of the contents here I would not object, but I object to the introduction of the affidavit.

COLONEL NEAVE: Dr. Laternser, the Commission makes the following ruling in regard to this document.

DR. LATERNSER: Mr. Commissioner, I wish I could give my point of view concerning the objections of Dr. Kampner.

COLONEL NEAVE: Well, briefly.

DR. LATERNSER: I believe that this objection is not correct. I am using, or doing something now which the prosecution has done time and time again in the last few months during the questioning of witnesses.

COLONEL NEAVE: Wait a minute. There has never been a procedure like this before the Commissioner. This is a case where the Tribunal has given a special permission to defense counsel to cross examine one of the prosecution witness, and anything that previously had been before the Tribunal does not apply here at all. Go ahead.

DR. LATERNSER: After I have submitted this document, I would like to

H1073-0065

ask one question of the witness, which probably would lead to the shortening of the entire discussion.

COLONEL NEAVE: I make the following ruling. You may submit this document to the witness, and cross examine him on it. Whether the document may be introduced in evidence during this time of hearing, and not during the Commission hearings if the affidavit is questioned, I'll refer it to the Judges during the lunch hour. I would appear to me the prosecution is perfectly right, that it is not the correct manner in which to present documents in the form of affidavits here. It is not exactly the same type of hearings that we have been having in the past; however, since this point may arise again, the Commissioner will speak to the Tribunal about it during the lunch hour. In the meantime, if you wish, will you submit the affidavit to the witness. Wait a minute, I shall translate the extract, as we want to know what it is about.

DR. LATERNSER: "The true duties, intentions and goals of the Einsatz Groups were not mentioned with a single word. There use was explained to be as political security and investigation measures."

COLONEL NEAVE: Is that all?

DR. KEMPNER: Mr. Commissioner, I think the witness should know the time of this alleged conversation or meeting. We don't know whether this meeting is identical with the meeting that the witness has in mind.

COLONEL NEAVE: Go on and make that point clear.

BY DR. LATERNSER:

Q I show you, witness, a sworn affidavit of Brigadier General Kleikamp, which I'll show to you immediately. At that time General Kleikamp was a 1-C officer of Army Group South, and he participated in this meeting in June 1941. He states in this affidavit that the 1-C officers were not informed of any proposed mass executions within any part of Russia. This is a sworn affidavit

H1073-0066

which I beg you to read through, and I would like to ask you a question after you have read it. (Witness reads the affidavit). Witness, I would like to ask you whether you now remain with your firm conviction, when 1-C officers during that discussion were informed of the proposed mass executions to Russia, or you remain of your firm conviction as you have stated after having read the sworn affidavit of one of the participants?

A I want to state the following so far as this is concerned. If Brigadier General Kelikamp concerned himself with the meeting in the beginning of June at the meeting which I did mention in my affidavit, then it can be seen in my affidavit that mass executions were not mentioned during that discussion; secondly, I don't doubt it that I would say that it was possible that what is mentioned in this affidavit was also under discussion, but I do remember the fact that at the time was discussed the military use of SIPO and the SD as a security for the so-called Rollbahnen, the supply roads leading up to the front. This was not just a police measure, but it was actually to use as a military force the SIPO and the SD. I just made this example in order to show that the sworn affidavit by Brigadier General Kleikamp is not quite complete, and I'll have to remain with my firm conviction that in that discussion later on the true use of these units, as I had to see it later, was discussed, and concerning which this Brigadier General Kleikamp does not say.

Q You want to keep your conviction that during those meetings planned mass executions actually were discussed, even though you have in front of you a sworn affidavit of one of the participants in the discussion in June 1941, which tell us that these matters were not discussed?

A I do not want to evaluate the truthworthiness of these two submitted affidavits. I want to state again that in the discussions later on at the beginning of June 1941, which I did also mention in my affidavit, that in those

H1073-0067

latter discussions the matters as I have explained were probably discussed.

Q Witness, how can you claim this was discussed at that time, even though you were not present?

A I'll say that if you think back over the entire morning of cross examination here, the only basic question was, how I arrived at this conviction, and I don't think anything more can be said about it.

COLONEL NEAVE: Dr. Laternser, do you want to go on any longer after lunch? This cross examination has gone on for a long time on this affidavit. How many more points do you wish to cover?

DR. LATERNSER: I am to finish immediately.

COLONEL NEAVE: Well, is this going to be your last question? I think we will have to adjourn in any case, and you save your point on this document. Do you still wish to submit the orders referred to on page 2 of the affidavit?

DR. LATERNSER: I don't think that it will be necessary any more.

COLONEL NEAVE: Is that all of your cross examination.

DR. LATERNSER: No.

COLONEL NEAVE: How much longer do you want to go on with it?

DR. LATERNSER: Only a short time.

COLONEL NEAVE: Well, it will be a very short time, as it is a very short affidavit.

(A recess was taken until 1400 hours)

H1073-0068

The Commission reconvened
at 1400 hours.

COMMISSIONER: Dr. Laternser, the affidavit that you wanted to submit to the Commission this morning must be dealt with by the special commission appointed for that purpose.

Will you put it in with the remaining affidavits on behalf of the General Staff, in the usual way ?

Now, I understand that you have a few more questions to ask this witness, Dr. Laternser.

BY DR LATERNSER:

Q Witness, your activities took place near Himmler ?

A Yes, from June 1942.

Q Do you expect trial against you on the part of the Allies ?

A According to the circumstances, yes.

DR LATERNSER: I have no further questions.

CROSS-EXAMINATION

BY DR KEMPNER:

Q I now come back to the affidavit which was submitted by you. Was that affidavit 100% correct - yes or no ?

A Of course, yes.

Q As regards the affidavit and your statement in connection with this affidavit, the correctness of

the affidavit was by no means influenced by the fact that it was to be submitted to a court - or not ?

A It was one of my 240 testimonies which I gave in my own case.

Q All right. When did you pass over from the inner administration to the Gestapo ?

A From the legal point of view, in 1937; and as regards my full functions, in 1939.

Q You remained in this office until 1944 or 1935 ?

A I suggest that the RSHA can be considered as an organization.

Q Your activity extended over various departments of the administration, so that you could gain a certain impression of the administration ? When did you enter the administration and how long were you there ?

A Practically, I worked in the SD and in the administration since 1935.

Q So your general knowledge of the administration can be considered as a basis for your statement which you have given here ?

A Insofar as there are points of contact, yes.

DR KEMPNER: That's all.

COMMISSIONER: The witness may go now.

Dr. Kempner, have you any instructions to the guards, as regards this witness ? Is he to remain ?

DR. KEMPNER: Yes, for subsequent proceedings.

COMMISSIONER: WITNESS, you may go now.

If the other witness is out there, will you bring him in ?

H1073-0069

Mr Calvocoressi

Com.B.
Take 1-Pag 1.
Meehan
25 July 1946
Schellenberg.

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

25 July 1946

(THE COMMISSION CONVENED AT 1015 HOURS.)

COMMISSIONER:

Colonel A. M. S. Neave

O. K. W.

GENERAL HALTER SCHELLENBERG, a witness, took the stand and testified as follows:

THE COMMISSIONER: Raise your right hand and repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE COMMISSIONER: You may be seated.

COLONEL NEAVE: May I see a copy of General Schellenberg's affidavit?

DR. LATERNSER: I have one here.

(THE COMMISSIONER IS HANDED A COPY OF DOCUMENT USA 557.)

CROSS ~~CROSS~~ EXAMINATION

THE COMMISSIONER: Dr. Laternser, will you confine your examination to the subject matter of the affidavit.

DR. LATERNSER: I will. Witness, you have given an affidavit, No. 12, which has been submitted by the prosecution as USA 557 in the case against the General Staff of the OKW.

H1073-0070

THE WITNESS: I cannot remember the subject matter of this affidavit, as I have given many affidavits.

(THE WITNESS IS HANDED A COPY OF DOCUMENT USA 557)

DR. LATERNSER: I show you this affidavit now and ask you to look it over.

COLONEL NEAVE: Did you swear to this affidavit?

THE WITNESS: Yes.

BY DR. LATERNSER:

Q. First of all, I would like to put a few questions in regard to the drafting of this affidavit. Who drafted this declaration?

A. The declaration which you just showed me? I drafted it.

Q Did you write it down yourself?

A. I partly wrote it myself and partly dictated it.

Q. Who asked you for this declaration?

A. I cannot remember the name, but if I am not mistaken, it was a Colonel.

Q. Were you told what was the purpose of this declaration?

A. No, I had the impression that I would be cross examined in regard to this question.

Q. You were not told the purpose?

A. No.

Q. Did you make any corrections when you were given this declaration to sign?

A. Yes, I did.

Q. When you signed it, you were of the opinion that this statement was correct?

A. Yes.

H1073-0071

Q. I refer to the following sentence of the affidavit: "According to my order, I should see to it that the responsible services of the army were held to help in all activities of the so-called Einsatsgruppen and Einsats-commandoes of the Sipo and SD."

Following that sentence, I should like to ask you what you mean by the words "in all activities?"

A. May I remark that you assume in the question I received the order from Mueller, but as a matter of fact I received it from Heydrick.

Q. What do you mean by "in all activities?"

A. In this connection I have to point out two matters. First, of all the order given by the Fuehrer, which was on the basis of all the negotiations and the agreements....

Q. I must in errupt you. We shall speak of the Fuehrer's order later. I ~~am~~ ask you what do you understand by the words "in all activities" in this connection. Please answer this question.

A. In order to explain this, I have to speak of the other matter.

COLONEL NEAVE: Surely the witness can answer the question what he understands by "all activities."

DR. LATERNSER: I have put this question twice already to the witness

COLONEL NEAVE: Will the witness answer the question?

THE WITNESS: The answer to this question is not as simple as that as I have to describe the background to the agreement. We have to deal here with two different things, first the carrying out of the Fuehrer's order and secondly the intention which Heydrick had in this respect.

BY DR. LATERNSER:

Q. I shall speak of these things afterward. I should like you to answer the question What do you understand by "all activities" in this connection?

A. Partly from the order of the Fuehrer and of Heydrick and I make the following statement. It was the intention to keep free the rear of the combat troops under any circumstances. Heydrick had the plan for the first time to assign civil organizations for combat on the front. It was possibly the decisive plan of Heydrick as it was for the first time in the history of war that this was possible.

COLONEL MEAVE: This witness is not answering the question. Did you know what was meant by the phrase, "all the activities of all the groups of Einsatsgruppen and Einsatscommandoes of the Sipo and SD?" Witness will you answer the question did you know what at all these activities were?

THE WITNESS: As I have already stated, this order was meant first of all to keep free the rear of the combat troops and secondly to give an opportunity for the Sipo and for the SD to fight on the battle front. That is what I understood by all activities.

COLONEL MEAVE: And that is what you are referring to in the affidavit?

THE WITNESS: That is what I am referring to in the affidavit.

COLONEL MEAVE: Now, I think we can go on.

BY DR. LATERNSER:

Q. Did you mention or did you hint at any other activities in your conversation with General Wagner?

A. In the conversation I had with Generalquartermaster Wagner, we always dealt exclusively with the carrying out of the Fuehrer's order and the plan of Heydrick to use these civil organizations on the battle front.

Q. You never mentioned mass extermination in your conversation with General Wagner?

A. No.

H1073-0073

Q. Now you use in this same sentence, the words "firmly obligated". This expression shows that you had some suspicion toward General Wagner as regards to cooperation. What was the basis of this suspicion?

A. There was such a suspicion on the part of Wagner and as far as I can judge this suspicion was based on his feeling that an assignment of the Aipo and SD to combat troops would entail some difficulties in regard to the issuing of orders. He also had the feeling that Heydrick would profit by such a situation in order to erect his own army among the combat troops, with all the possibilities of being good soldiers in combat and being decorated.

Q. Witness, you certainly knew the competence of the General Quarter Master and what they were in principle regarding supplies and administration behind the lines?

A. I knew what the general and normal tasks of a quarter-master were, but in this connection Wagner acted as representative of the army and of the OKH.

Q. Did you not hesitate at that time to discuss these matters with the General Quarter Master as you knew of his competences?

A. I just declared to the contrary. I cannot understand the question. I said that I knew about the normal duties and normal competences of a general quarter master but in this case Wagner acted as representative of the OKH.

Dr. Kempner: I think we are now absolutely outside of the affidavit.

COLONEL NEAVE: The competence of military leader is never claimed in this affidavit or otherwise and that General Schellenberg knew all the military matters.

Dr. Laternser, where is this cross examination supposed to be leading?

DR. LATERNSER: The next question will show that.

COLONEL NEAVE: Let us stop that particular line.

H1073-0074

H1073-0075

BY DR. LATERNSER:

Q. You just said that during these negotiations you considered the general quarter master being the representative of the OKH.

A. Yes, I had to consider him as such because first he acted as such during the negotiations which took place and then he was introduced to me as such by Heydrick.

Q. You mentioned an order issued by the Fuehrer?

A. Yes, I always like to repeat this order because I wanted to clarify the matter.

Q. You mentioned this order in the affidavit too?

A. Yes.

Q. It was the basis of the Fuehrer's command mentioned at the beginning of this agreement that the Sipo and SD should operate within the field army as well as connection with their supply lines by every means and as quickly as possible. Did you read this order of the Fuehrer?

A. I did not read it myself, but Wagner read it to me and we agreed to use it as a preamble in the above mentioned agreement. I do not know if he read it out completely.

Q. You yourself did not see the order?

A. No, I never saw anything in writing.

Q. On page two of this affidavit, you say that, "The tactical and functional authority and responsibility of front-line headquarters of the Field Army over the Combat Commandos found no limitation in the agreement and therefore needed no further clarification." What do you understand by the words, "tactical and functional authority?"

A. I have to enter into the motive which was behind this whole agreement.

Q. Witness, you can tell us afterwards. Now, I should like to know what you mean by "tactical and functional authority?"

A. I can only explain this point within the general shceme. There is no sense in interrupting me always. I have already stated that the General Quartermaster Wagner was afraid of Heydrick and his civil organizations to a great extent in the event of the battle front. It is a question of the tactical and functional authority in the front territory. Thää matter almost led to a break-off of negotiations which took place at that time. When I started taking part in these negotiations I saw at once that this was the crucial point of all the negotiations on the part of Wagner. By the words, tactical and functional authority, I understand the unlimited ~~xxkkxxxki~~ authority of a gront commander. This is why I did not discuss ant further this special point during the negotiations, but is was discussed later on in a conversation which Heydrick had with Wagner himself. Wagner, himself, stated, speaking about this point and I absolutely remember the following words: "Mr. Heydrick I am very grateful to Schellenberg for having discussed these questions with me in a very sensible way, because you as an old navy officer will understand that there cannot be two masters on the front." Thus, Heydrick was somewhat flattered and he entered into a discussion at that point, not for my sake, but for the sake of Wagner.

Q. Furthermore, you state in your affidavit that, "The agreement made it clear that the administrative subordination embraced not only disciplinary subordination but also the obligation for rear headquarters of the Field army to support the Combat Groups and Combat Commandoes in matters of supply (gasoline, rations, etc.) as well as in the use of the communications network." Have you ever head of a case in which the superior officer had made use of this disciplinary power against the Sipo or the SD?

H1073-0076

A. My affidavit, as far as I can remember, refers only to the agreement and to the final draft of the agreement. In this respect, the matter was settled as I described it already and I can remember an example which would illustrate this matter. Wagner once asid to Heydrick, "I am convinced you have your men in firm hands, but you know how things can be in such a war. You can see how willing the army is to put up with this new organization." I can remember another example when Wagner said, "You know perfectly well, we will have some difficulty on account of the old alcohol. You know in such a case, it is important to be able to take effective measures." Another example, he mentioned the supply roads behind the battle lines and in these supply roads, the members of the Sipo wanted to have priority and this matter, of course, had to be clarified.

A. All that does not exclude your answering my question.

A. I have already answered the question. I only referred to the contents of my agreement and not to a later stage.

Q. You are a witness and have to answer questions.

A. I have answered questions.

COLONEL NEAVE: You may ask the question, Dr. Laternser.

Dr. LATERNSER: Witness, I ask you whether you have a knowledge of a case in whcih an officer of the army has made use of his disciplinary power against a member of the Sipo or SD ?

DO. KEMPNER: This is not in the affidavit.

COLONEL NEAVE: Dr. Kempner, this is cross examination and I will allow that question. Dr. Laternser, please do not go too far in this reference to an agreement outside of the affidavit.

H1073-0077

DR. LATERNSER: I think the question which I just put hardly exceeds the framework of this affidavit.

COLONEL NEAVE: Go on.

THE WITNESS: I personally did not care for the events in the east. After this agreement had taken place, I had no knowledge afterward of such a case.

Q. This would have been an extraordinary matter if a member of the Sipo or SD had been punished by an officer of the army and it would have become known?

A. Well, I cannot say anything about that point and they probably would have taken someone who was not familiar with these matters.

H1073-0078

H1073-0079

Q. Can you tell us whether reports on the Commando Groups were submitted to Army headquarters? This would certainly have happened if these groups had been subordinate to Army headquarters.

A. May I ask your permission to read this passage first?

Q. Yes. Page 2, last paragraph - the report is mentioned.

A. I take the liberty of stating that such a report was shown to me during the cross examination by the prosecution. On the ground of the knowledge of this report, I have taken personal position to this matter.

Q. You had no hesitation to make use immediately of such document which just had been shown to you, and this in a testimony which you have given under oath.

A. Will Dr. Laternser please explain to me what he understands by "make use of."?

Q. You made these reports the subject of your testimony.

A. I was under oath and I had to take position in regard to this matter.

Q. Were you shown the original reports?

A. I cannot say that now. I have been shown so many things.

Q. You state in your affidavit "12 that you acknowledged the correctness and the credibility of the reports just mentioned.

A. I did so, because on the ground of my knowledge of the general form in which reports were drafted in the RSHA. I was convinced that these reports could not be falsified.

Q. How do you know that there were conversations between Heydrich and Wagner as regards to the further interpretation of disagreement?

A. My defense counsel is suggesting that there were such conversations, but I'm convinced I used the word presumably.

Q. Witness, in this respect you are wrong. You state here "just while leaving I heard how they both wanted to discuss in complete privacy of the Fuehrer's command which was apparently known in advance by each of them personally, and its far reaching complications. After the half hour passover I was called in once more, just to say goodbye."

A. I happened just as I stated here.

H1073-0080

Q. What did you hear when you were leaving?

A. I heard that two gentlemen were desirous to discuss the order issued by the Fuehrer. However, I want to state that I cannot remember the exact words which were used during this conversation.

Q. You will probably not be able to tell us whether this was actually the case afterwards?

A. No, I was not present. I wasn't eavesdropping either.

A. It is stated on page 3 of your affidavit - "Therefore, I must express today my firm conviction that during the secret oral discussion between Wagner and Heydrich the extensive future activity of the Combat Groups and Combat Commandos with the combat element of the Field Army was obviously discussed and delineated so as to include even planned mass executions."

You did not have this impression during and immediately after the discussion.

A. I was so busy with the formulating matter that I didn't think of its consequences.

Q. But how does it come that later on you had this impression?

A. If I am not mistaken I think I have tried to explain this in the affidavit. On the ground of the report which was submitted to me by Oberfuehrer Stahlecker, I had to gain the impression on the ground of the data that if such a thing could happen, it must have been discussed.

Q. You want to state that on the ground of the docements which were shown to you in 1945, you gained the impression that the conversation took place between Heydrich and Wagner in May 1941?

Dr. KEMPNER: I object against this question for one reason. The document - the Stahlecker document is not a document of 1945 - to make it very clear - but a document of 1941. It was only shown to the witness in 1945, and I suggest that this question is changed to exact course of events, so that the witness really known what the matter is and not matters manufactured as suggested in 1945.

COL. NEAVE: What is the exact date and description of this Stahlecker document?

MR. RAPP: 1941 in the advance of Moscow.

COL. NEAVE: Has the document been shown to the witness during the past two months. Is the document here - is it available?

MR RAPP: Yes, it is available. I know the document has been used in evidence.

COL. NEAVE: I only wanted to satisfy that Dr. Laternser is under a wrong impression. What is the number of the document?

MR. RAPP: I believe - I'm not sure - it might be 871 P.S.

COL. NEAVE: It would appear that you are under incorrect impression, and it is available as a document introduced by the prosecution and is dated sometime in 1941.

DR. LATERNSER: Mr. President, I am parting from the same facts which have just been stated by Dr. Kempner.

COL. NEAVE: There hasn't been a mistranslation here, has there? Has he referred to the document dated 1945, and it is true that you mean the document dated 1941 and shown to the witness in 1945.

DR. LATERNSER: Yes, that is right.

H1073-0081

COL. NEAVE: There seems to have been some misunderstanding. The document, I understand, is L-180, dated 15 October 1941.

MR. RAPP: Signed by Dr.....

COL. NEAVE: Personal property of the SS-Obergruppenfuehrer. Yes, it is signed by Dr. Stahlevker. Well that clears up that point.

DR. LATERNSER: The objection against my question has become thus immaterial.

COL. NEAVE: It all seems to be based on misunderstanding. Will you repeat your question so that we are quite clear on what you mean? Repeat the same question. Go ahead, Dr. Laternser.

Q. Witness, you want to say that today, that is to say the date when this affidavit was drafted - that is to day in 1945 - on the ground of the document which was shown to you in 1945, you gained the impression that the conversation held between Heydrich and Wagner in May 1941 was of the following contents.

A. As I have stated in the affidavit, I tried to remember very exactly the time to which I was referring in this affidavit. On the grounds of documents which were shown to me in 1945 or in 1946, I draw, on my part, the conclusion that according to the goal of events, the conversation which took place in 1941 presumably had these contents.

Q. It is only a presumptionof yours?

A. I have stated that in the affidavit.

H1073-0082

Q. And you have no recollections of the time of 1941 which could support this presumption of yours?

A. Oh, yes. Later I heard so many witnesses and according to the statements of these witnesses, I gained the impression that it was not perhaps a presumption of mine, but a real fact.

Q. Witness, I think you go a little too far. I must draw your attention to the fact that you are under oath. I have not finished

my question, Witness.

you stated that in 1945, you presumed that the conversation of 1941 was of such a content and now you want to re-enforce this presumption of yours by the testimony which you just gave. Will you tell us that this is a fact?

DR. KEMPNER: My objection against this kind of questioning is the following. The defense counsel put something in the mouth of the witness he has not said. The defense counsel has said, and now I say it in German - the witness had gained the impression that presumably he had said something. As a matter of fact the witness said, "I was forced to the conclusion that this has taken place presumably."

COL. NEAVE: It is perfectly true he did add the word presumably at the end of his answer, and it is possible that there is a ce tain misunderstanding here as to his answer, Dr. Laternser, but otherwise, Dr. Kempner, it is a perfectly proper line of examination. Dr. Laternser hasn't misunderstood what I said. It was a proper line of examination.

DR. LATERNSER: No.

Q. You just used the word "fact". As far as I can understandyou, you have the intention of using this word to re-enforce a presumption?

A. May I declare the following as regards to the whole complex?

Q. No, you are supposed to answer my question.

A. First I want to say that there is no need to remind me of my oath.

First when I stated this presumption in my affidavit, I was in a single cell. At least the essential contents of this affidavit were discussed when I was in a single cell or at least when I had no opportunity of discussing this matter with other witnesses for the Sipo and SD.

COL. NEAVE; Dr. Laternser, the Commission will adjourn for ten minuted. I want to see the defense counsel for the SD and Gestapo.

Recess: 1130 hours
Reconvened: 1145 hours

H1073-0083

H1073-0084

COL. NEAVE: Dr. Laternser, before we resume, how much longer do you expect your corss examination to take?

DR. LATERNSER: I hope until noon.

COL. NEAVE: Will you be re-examining, Dr. Kempner?

DR. KEMPNER: Very short, but this means another hour on the affidavit.

COL. NEAVE: Do you mean one o'clock, Dr. Laternser?

DR. LATERNSER: One o'clock.

COL. NEAVE: Do you really think you will need until one o'clock to finish with this witness?

DR. LATERNSER: Yes.

COL. NEAVE: Well you must make your questions as brief as possible. The Tribunal gave permission to cross examine these witnesses on the understanding that you would be quite brief on the examination and limited entirely to the subject matter of the affidavit. Go onl

Q. Witness, in your affidavit you mention the words "comprehensive report of combat group" - you have seen these reports in detail?

A. May I read this page of my affidavit before I answer the question.

COL. NEAVE: Yes, you may do so. What page is it?

DR. LATERNSER: Page 2 - last paragraph.

A. Yes, according to the affidavit I read two reports. One - operational and situational report # 6 and one - comprehensive report of combat group.

Q. So you have seen the reports in detail?

A. I have read them.

Q. Is it stated in one of these reports or is there any remark that these reports had been passed on to Army headquarters?

A. I cannot remember whether there was any statement as to the distribution of these reports, but I can remember that during my cross

examination, I gained the conviction that these reports were as a matter of fact handed on to Army headquarters.

Q. But you have not stated this in your affidavit?

A. I don't know - may I read it once more. No, I have not dealt with this question in the affidavit and only is so far as I refer to the sentence which was just read out.

Q. You have just said that you were convinced that these reports were handed on to Army headquarters, and you have gained this conviction when you read the reports?

A. That is correct, but I have not expressed this view in the affidavit.

Q. But you expressed this view not?

A. Yes, I have done that.

Q. I shall show you these two reports now and I shall ask you to show me the passages from which you could gain this conviction.

A. There is no need of showing me this document, because I have just read the sentence which is essential for my conviction. It is a question of the praise which is given to the troop for the good cooperation with Hoeppner.

Q. After the recess I shall have to show these documents to the witness.

COL. NEAVE: In view of that answer - is it really necessary to submit those orders? In view of that answer.

DR. LATERNSER: The witness had said that on the ground of reports he had gained the conviction that the reports were handed on to Army headquarters. I will submit these reports after noon recess.

COL. NEAVE: Well, you haven't been given permission to do so yet. I'm discussing with you whether it is necessary to submit these reports in view of his answer as to what his conviction was, and with the object

of saving time.

COL. NEAVE: He states that in this case the liaison was very close and almost cordial, and that in fact is the basis of his conviction that the orders were passed on to the Army. What is the point then of showing him the orders? Is the position clear. Well, you may refer to the matter later. If it is really necessary to clarify that further, you may refer to that later, but not before you have spoken to me personally and supplied me with copies of those orders, so that I can see them.

DR. LATERNSER: Very well.

COL. NEAVE: The only question here if what the witness basis his conviction, and he gives a perfectly good answer.

DR. LATERNSER;I will check this matter and I will come back to it.

COL. NEAVE: I shall want to be satisfied that we need go into that matter further and therefore you should show me copied of the order.

Q. You further stated that....."the Oberbefehlshabers of the army groups and armies which were to take part in the Russian campaign were accurately informed through the normal OKH channels of communications about the extensive future mission of the Combat Groups and Combat Commandos of the Sipo and SD as including planned mass executions of Jews.." I now leave out the rest of the phrase. Did you know that Combat Groups received direct orders from the higher headquarters that they were not to discuss with the Army any of their actions and that this decree was handed by Hitler personally both to the Army and to Himmler?

A. My answer again concerns itself with two points. Firstly, I don't know of any such order. Secondly, just how or rather by what way I arrived at the statements I made in this affidavit and also in order to answer any possible fu rther questions, I can make a rather exact or detailed statement concerning this.

H1073-0086

Q. You stated today that you want to express your firm conviction. I aks you now - did you have this same conviction in 1941 already or did you just arrive at it in 1945.

A. I want to refer back to the wording of the affidavit which says exactly what I thought.

H1073-0087

Q That is not quite clear?

A Maybe then I might explain.

Q Now I want to know when you formed this firm conviction?

A In explaining I want to state that there are two lines of thought in my affidavit.

Q I would like you to answer my question first, when you formed this firm conviction, then you can give your explanation.

A In order to explain how I arrived at this conviction, I have to state that there were two different lines of thought, two different ideas are merged into each other. One, what I had experienced during the course of the agreement or conferences--

COLONEL NEAVE: What day was that, in 1941?

THE WITNESS: May 1941. Secondly, the impression I received upon being interrogated in 1945, and upon being shown weekly reports of the Einsatz units, or combat units. The result of these two different ideas, of these two themes, was for a conviction which I arrived at in 1945, which I put down in this affidavit.

BY DR. LATERNSER:

Q You further mentioned of 1-C in June 1941.

A Yes.

Q You state that you personally were present at one of these discussions. During that discussion which you attended, was the work of the Einsatz Group discussed so far as that concerned themselves with the planned execution of Jews, Communists and other elements of resistance.

A I had already stated that this discussion was generally one that

H1073-0089

concerned itself with the operations, and their carrying them out, and also with actions of the SIPO and SD were concerned with relation as to the basis for that agreement which was the "Fuehrer Decree," which was that the rear of the fighting troops had to be kept clear at all costs.

COLONEL NEAVE: In order to make the record more clear, is this a discussion between Heydrich and Wagner in 1941, or the discussion referred to at the beginning of the affidavit, in 1943, because if you are referring to Heydrich's discussion, it has already been covered in this affidavit. The witness has already stated what he knows about it in the answer to your question in this cross examination. Now are you talking about another discussion?

BY DR. LATERNSER:

Q I speak now as I already stated in my question, this other discussion which took place in June 1941, in other words, during the discussion which you attended they did not speak of mass executions?

A During the discussions at the beginning of June 1941 they did not discuss the mass executions, but as to the other part I refer to my previous answer, which is, that there were two parts to this meeting, one as I stated before, the operations meeting, and, secondly, the general meeting.

Q During the course of this meeting of the officers of 1-C, did you participate in further discussions?

A Already at the time and during interrogations I was asked this question, and at that time already I had stated that so far as I remember there was no further discussion, that is, I did not participate in any further discussions.

Q If that was not the case, I would like to ask you what was the basis

H1073-0090

of your conviction of the regular army and army group officers, how they received their information through the regular army channel, concerning the planned mass exterminations. What facts can you give concerning this?

A I refer my answer to my previous statement, since they are the actual background, and further I want to explain the following, and I ask you to permit me of what I want to explain.

Q I ask you for the facts which lead to your conviction, that if the army and army groups were informed through regular army channels of any possible planned mass executions?

A I would like to ask, first, what does the defense point out, especially, what I mean by regular channels or normal channels of how the members, or general officers of the army and army corps received any possible knowledge or information of these mass executions.

COLONEL NEAVE: Dr. Laternser, as I get it the witness had already answered a basis of his conviction that this order was possibly from army channel, and of that information the army was referred to, and you have asked whether you can submit those two orders to him originally referred to, and I said I would look at them first. Now we have already covered that list.

DR. LATERNSER: Mr. President, I asked the witness whether or not he has any facts in addition to his conviction that would point to the fact that the commanders of the Armies, and the Army groups were informed of any possible planned mass executions from the normal channels of the OKH.

COLONEL NEAVE: Wait a minute. Dr. Laternser, that is the identical question you asked him before. Let's have his answer again.

THE WITNESS: I would like to ask one other thing before I answer this question, since I do not know from the tone of the questioning, which

H1073-0091

of the questions the defense lawyer wants to answer, or what he considers important. In his question does he want to know concerning the normal channels of the OKH, or concerning any knowledge of the army commanders?

COLONEL NEAVE: The witness can answer. You can answer that question. You can state the facts on which you base your convictions, or base the facts. Why do you s ay these orders were passed on?

DR. LATERNSER: But as you have claimed already before--

COLONEL NEAVE: Wait a minute. Let him answer. Don't ask the question. Let him answer my question.

THE WITNESS: If I leave out all these side points I can make this answer rather brief. First, the tone of the discussion at that time; secondly, the use of members of the SD and the SIPO in fighting zone, and, thirdly, upon the actual occurrences.

BY DR. LATERNSER:

Q In other words, you do not have any specific facts which can show that these army commanders were informed of any planned mass executions before the start of the campaign?

A The almost logical point was enough proof for me.

COLONEL NEAVE: I don't quite understand that answer.

THE WITNESS: The almost logical sequence of the occurrences was enough proof for me. May I add, as I said in my affidavit, it was enough proof for my conviction as I stated in the affidavit.

BY DR. LATERNSER:

Q Can you name me anywhere a commander in chief who was informed of the planned mass executions before the beginning of the Russian campaign?

A I did not concern myself with this question in the last few years.

Q In other words, you do not care to name any one who was informed

H1073-0092

of this that you know of?

A According to my answer, no.

Q Concerning the discussion of the 1-C that took place in June 1941 you state the following: Now you stated that this 1-C officers from the various commands had been called together by General Wagner. How did you know that General Wagner called together these 1-C officers?

A If the formal side of this matter is so important, I want to state this as a fact, that the basis for my conviction was that Wagner himself had this discussion.

Q But in this affidavit you stated that the calling together as a fact, and not as you state now, that it was your conviction.

A I do not want to go into splitting words. Whatever I said in the affidavit is complete truth, and, of course, I will tell the entire truth before this court also.

COLONEL NEAVE: Yes, but witness you can answer counsel's question.

THE WITNESS: Then may I ask the President's permission if I can read my affidavit once again in order to remind me.

COLONEL NEAVE: I think he has a copy of the affidavit. I got one here, I got the German here.

BY DR. LATERNSER:

Q You say just now that you said that this calling of this meeting was not a fact.

A Yes, it was a fact since I personally with my own person was present.

Q Yes, but in this case you do not want to discuss the fact that there was such discussion and also that Wagner called this discussion?

A There is something that is missing from the affidavit, or since at the time of the interrogation no value was placed upon the question as to whom had called the meeting, but rather only that a meeting had taken place.

COLONEL NEAVE: He says they were called for a meeting in his affidavit.

H1073-0093

THE WITNESS: Yes, and I want to remain on that statement.

BY DR. LATERNSER: But it seems that you do not know whether or not Wagner called together these officers?

A I state that my subjective knowledge goes to the point that General Wagner led the discussion at that time, and at the time when I made out the affidavit that was sufficient fact for me to make the statement.

Q I understand your answer, witness, however, I would like you to answer the question. The question is, do you know if General Wagner called this discussion of the 1-C officers.

A I want to state in this case that due to the long time that has passed, and the fact that I actually never saw a written printed invitation of Wagner, I think having stated that my basic knowledge in this case is of the fact that Wagner led the discussions.

Q In other words, you want to state your conviction in this case?

A Also my subjective knowledge, basic knowledge.

Q There is no answer to my question. You expressed your conviction in this case, because evidently you can not give me positive proof of the fact that Wagner called together these officers.

A I have to say something now which I did not want to do since it is rather a comment in addition to this affidavit, if I remember correctly. Wagner stated at the beginning of the meeting, "Officers, I call you together," and so forth.

Q Do you know whether General Wagner, the Quartermaster General, had the right to issue in the armies or army groups an order that 1-C officers come for a discussion with him?

DR. KEMPNER: I think the affidavit is quite right, not what Wagner has told him or Hitler has told him. The witness has stated very clearly, he had called these people together, and that is what is in the affidavit, and he has

H1073-0094

been harping now on this point for ten minutes without any results.

COLONEL NEAVE: Whether Wagner called the meeting or not is a question of fact, and the defense, Dr. Laternser, has the right to attack the credibility of the witness in that respect.

DR. KEMPNER: I object again.

COLONEL NEAVE: Doctor, whether or not he was the proper person to say it, does not seem to be very relevant. However, at this time in the cross examination in may continue provided it is kept short. We are only concerned whether or not this meeting was in fact called by Wagner.

THE WITNESS: May I answer the question?

COLONEL NEAVE: Yes.

THE WITNESS: I do not know whether this calling of this meeting by General Wagner was outside of his field of activities, or whether he acted upon a single decree by some higher person unknown to me.

BY DR. LATERNSER:

Q You further state in your affidavit, and I quote from the bottom of page 3: "The essential substance and purpose of this meeting was to outline the military strategy against Russia, and to announce the above-mentioned details of the written agreement reached by Wagner and Heydrich." You attended, as you stated before, only one discussion?

A Yes.

Q Did the discussions take several days?

A So far as I remember and I have stated, yes.

Q How can you inform us of the basis idea and of the matters as to why this discussion was called, when you only attended one session of it?

A Because the formal discussion concerning the point I have mentioned was discussed on the day I attended, and I don't know what other discussions they concerned themselves with.

H1073-0095

Q In other words, you do not see any other reasons for the other discussions of the next days. Do you know what the matters were that were discussed in the next few days?

A I stated already that due to the fact that in the discussion I attended the formal matters were all discussed, and I suppose that in the next few days probably other smaller matters, as I have stated in the affidavit, were discussed.

Q In other words, you do not have positive knowledge what were the matters under discussion of the discussions that took place within the next few days.

A I do want to refer back to the contents of the affidavit, in which I stated that I supposed that due to the actions and discussions which I saw take place that I considered the facts which I had mentioned as the basis.

Q You state as your conviction, or your idea, that in the discussions of the next few days the leaders were informed of the planned mass executions?

A Yes.

Q In other words, it is purely a probability, or an idea of your own?

A It is today still my personal, or rather strong conviction due to the matters which actually occurred.

Q You do not have, in other words, a positive knowledge that they were informed?

A No. Maybe there are other witnesses for that.

Q I have a witness. I now want to say this -

DR. LATERNSER: I now want to introduce a document which I shall give the number of 701-A.

COLONEL NEAVE: Will you before introducing hand this document to me.

DR. LATERNSER: Yes. I want to submit an affidavit which was sworn to on 18 July by Brigadier General Kleikamp. I quote from this affidavit one sentence.

H1073-0096

COLONEL NEAVE: Let him translate it first. Before you translate it I want to see it. Dr. Laternser, before your extract was translated, where was this affidavit formulated?

DR. LATERNSER: Yes. In Ahlendorf.

COLONEL NEAVE: You want to submit this to the Commission as part of your record.

DR. LATERNSER: Yes.

COLONEL NEAVE: Have you any comments?

DR. KEMPNER: I understand in this proceeding as we have it today, this witness should be cross examined whether his affidavit is true or not true. I don't think it is to introduce the affidavit in this stage of the whole case. If counsel thinks he has to question the witness about some sentence out of the contents here I would not object, but I object to the introduction of the affidavit.

COLONEL NEAVE: Dr. Laternser, the Commission makes the following ruling in regard to this document.

DR. LATERNSER: Mr. Commissioner, I wish I could give my point of view concerning the objections of Dr. Kampner.

COLONEL NEAVE: Well, briefly.

DR. LATERNSER: I believe that this objection is not correct. I am using, or doing something now which the prosecution has done time and time again in the last few months during the questioning of witnesses.

COLONEL NEAVE: Wait a minute. There has never been a procedure like this before the Commissioner. This is a case where the Tribunal has given a special permission to defense counsel to cross examine one of the prosecution witness, and anything that previously had been before the Tribunal does not apply here at all. Go ahead.

DR. LATERNSER: After I have submitted this document, I would like to

H1073-0097

ask one question of the witness, which probably would lead to the shortening of the entire discussion.

COLONEL NEAVE: I make the following ruling. You may submit this document to the witness, and cross examine him on it. Whether the document may be introduced in evidence during this time of hearing, and not during the Commission hearings if the affidavit is questioned, I'll refer it to the Judges during the lunch hour. I would appear to me the prosecution is perfectly right, that it is not the correct manner in which to present documents in the form of affidavits here. It is not exactly the same type of hearings that we have been having in the past; however, since this point may arise again, the Commissioner will speak to the Tribunal about it during the lunch hour. In the meantime, if you wish, will you submit the affidavit to the witness. Wait a minute, I shall translate the extract, as we want to know what it is about.

DR. LATERNSER: "The true duties, intentions and goals of the Einsatz Groups were not mentioned with a single word. There use was explained to be as political security and investigation measures."

COLONEL NEAVE: Is that all?

DR. KEMPNER: Mr. Commissioner, I think the witness should know the time of this alleged conversation or meeting. We don't know whether this meeting is identical with the meeting that the witness has in mind.

COLONEL NEAVE: Go on and make that point clear.

BY DR. LATERNSER:

Q I show you, witness, a sworn affidavit of Brigadier General Kleikamp, which I'll show to you immediately. At that time General Kleikamp was a 1-C officer of Army Group South, and he participated in this meeting in June 1941. He states in this affidavit that the 1-C officers were not informed of any proposed mass executions within any part of Russia. This is a sworn affidavit

H1073-0098

which I beg you to read through, and I would like to ask you a question after you have read it. (Witness reads the affidavit). Witness, I would like to ask you whether you now remain with your firm conviction, when 1-C officers during that discussion were informed of the proposed mass executions to Russia, or you remain of your firm conviction as you have stated after having read the sworn affidavit of one of the participants?

A I want to state the following so far as this is concerned. If Brigadier General Kelikamp concerned himself with the meeting in the beginning of June at the meeting which I did mention in my affidavit, then it can be seem in my affidavit that mass executions were not mentioned during that discussion; secondly, I don't doubt it that I would say that it was possible that what is mentioned in this affidavit was also under discussion, but I do remember the fact that at the time was discussed the military use of SIPO and the SD as a security for the so-called Rollbahnen, the supply roads leading up to the front. This was not just a police measure, but it was actually to use as a military force the SIPO and the SD. I just made this example in order to show that the sworn affidavit by Brigadier General Kleikamp is not quite complete, and I'll have to remain with my firm conviction that in that discussion later on the true use of these units, as I had to see it later, was discussed, and concerning which this Brigadier General Kleikamp does not say.

Q You want to keep your conviction that during those meetings planned mass executions actually were discussed, even though you have in front of you a sworn affidavit of one of the participants in the discussion in June 1941, which tell us that these matters were not discussed?

A I do not want to evaluate the truthworthiness of these two submitted affidavits. I want to state again that in the discussions later on at the beginning of June 1941, which I did also mention in my affidavit, that in those

H1073-0099

latter discussions the matters as I have explained were probably discussed.

Q Witness, how can you claim this was discussed at that time, even though you were not present?

A I'll say that if you think back over the entire morning of cross examination here, the only basic question was, how I arrived at this conviction, and I don't think anything more can be said about it.

COLONEL NEAVE: Dr. Laternser, do you want to go on any longer after lunch? This cross examination has gone on for a long time on this affidavit. How many more points do you wish to cover?

DR. LATERNSER: I am to finish immediately.

COLONEL NEAVE: Well, is this going to be your last question? I think we will have to adjourn in any case, and you save your point on this document. Do you still wish to submit the orders referred to on page 2 of the affidavit?

DR. LATERNSER: I don't think that it will be necessary any more.

COLONEL NEAVE: Is that all of your cross examination.

DR. LATERNSER: No.

COLONEL NEAVE: How much longer do you want to go on with it?

DR. LATERNSER: Only a short time.

COLONEL NEAVE: Well, it will be a very short time, as it is a very short affidavit.

(A recess was taken until 1400 hours)

H1073-0100

The Commission reconvened
at 1400 hours.

COMMISSIONER: Dr. Laternser, the affidavit that you wanted to submit to the Commission this morning must be dealt with by the special commission appointed for that purpose.

Will you put it in with the remaining affidavits on behalf of the General Staff, in the usual way ?

Now, I understand that you have a few more questions to ask this witness, Dr. Laternser.

BY DR LATERNSER:

Q Witness, your activities took place near Himmler ?

A Yes, from June 1942.

Q Do you expect trial against you on the part of the Allies ?

A According to the circumstances, yes.

DR LATERNSER: I have no further questions.

CROSS-EXAMINATION

BY DR KEMPNER:

Q I now come back to the affidavit which was submitted by you. Was that affidavit 100% correct - yes or no ?

A Of course, yes.

Q As regards the affidavit and your statement in connection with this affidavit, the correctness of

the affidavit was by no means influenced by the fact that it was to be submitted to a court - or not ?

A It was one of my 240 testimonies which I gave in my own case.

Q All right. When did you pass over from the inner administration to the Gestapo ?

A From the legal point of view, in 1937; and as regards my full functions, in 1939.

Q You remained in this office until 1944 or 1935 ?

A I suggest that the RSHA can be considered as an organization.

Q Your activity extended over various departments of the administration, so that you could gain a certain impression of the administration ? When did you enter the administration and how long were you there ?

A Practically, I worked in the SD and in the administration since 1935.

Q So your general knowledge of the administration can be considered as a basis for your statement which you have given here ?

A Insofar as there are points of contact, yes.

DR KEMPNER: That's all.

COMMISSIONER: The witness may go now.

Dr. Kempner, have you any instructions to the guards, as regards this witness ? Is he to remain ?

DR. KEMPNER: Yes, for subsequent proceedings.

COMMISSIONER: WITNESS, you may go now.

If the other witness is out there, will you bring him in ?

H1073-0101

H1073-0102

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE TRIBUNAL DATED 13 MARCH 1946.

25 July 1946

(THE COMMISSION CONVENED AT 1015 HOURS)

COMMISSIONER:

Colonel A. M. S. Neave

O. K. W.

GENERAL WALTER SCHELLENBERG, a witness, took the stand and testified as follows:

THE COMMISSIONER: Raise your right hand and repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath).

THE COMMISSIONER: You may be seated.

COLONEL NEAVE: May I see a copy of General Schellenberg's affidavit?

DR. LATERNSER: Yes, I have one here.

(THE COMMISSIONER IS HANDED A COPY OF DOCUMENT USA 557).

CROSS EXAMINATION

THE COMMISSIONER: Dr. Laternser, will you confine your examination to the subject matter of the affidavit.

DR. LATERNSER: I will. Witness, you have given an affidavit, No. 12, which has been submitted by the prosecution as USA 557 in the case against the General Staff of the OKW.

THE WITNESS: I cannot remember the subject matter of this affidavit, as I have given many affidavits.

(THE WITNESS IS HANDED A COPY OF DOCUMENT USA 557.)

DR. LATERNSER: I show you this affidavit now and ask you to look it over.

COLONEL NEAVE: Did you swear to this affidavit?

THE WITNESS: Yes.

H1073-0103

BY DR. LATERNSER:

Q First of all, I would like to put a few questions in regard to the drafting of this affidavit. Who drafted this declaration?

A The declaration which you just showed me? I drafted it.

Q Did you write it down yourself?

A I partly wrote it myself and partly dictated it.

Q Who asked you for this declaration?

A I cannot remember the name, but if I am not mistaken, it was a Colonel.

Q Were you told what was the purpose of this declaration?

A No, I had the impression that I would be cross-examined in regard to this question.

Q You were not told the purpose?

A No.

Q Did you make any corrections when you were given this declaration to sign?

A Yes, I did.

Q When you signed it, you were of the opinion that this statement was correct?

A Yes.

Q I refer to the following sentence of the affidavit: "According to my order, I should see to it that the responsible services of the army were held to help in all activities of the so-called Einsatzgruppen and Einsatzcommandos of the Sipo and SD."

Following that sentence, I should like to ask you what you mean by the words "in all activities."

A May I remark that you assume in the question I received the order from Mueller, but as a matter of fact I received it from Heydrich.

Q What do you mean by "in all activities"?

A In this connection I have to point out two matters. First of all the order given by the Fuehrer, which was on the basis of all the negotiations and the agreements .....

Q I must interrupt you. We shall speak of theFuehrer's order later. I ask you what do you understand by the words "in all activities" in this

H1073-0104

connection. Please answer this question.

A In order to explain this, I have to speak of the other matter.

COLONEL NEAVE: Surely the witness can answer the question what he understands by "all activities".

DR. LATERNSER: I have put this question twice already to the witness.

COLONEL NEAVE: Will the witness answer the question?

THE WITNESS: The answer to this question is not as simple as that as I have to describe the background to the agreement. We have to deal herewith two different things, first the carrying out of the Fuehrer's order and secondly the intention which Heydrich had in this respect.

BY DR. LATERNSER:

Q I shall speak of these things afterwards. I should like you to answer the question. What do you understand by "all activities" in this connection?

A Partly from the order of the Fuehrer and of Heydrich and I make the following statement. It was the intention to keep free the rear of the combat troops under any circumstances. Heydrich had the plan for the first time to assign civil organizations for combat on the front. It was possibly the decisive plan of Heydrich as it was for the first time in the history of war that this was possible.

COLONEL NEAVE: This witness is not answering the question. Did you know what was meant by the phrase "all the activities of all the groups of Einstazgruppen and Einsatzcommandos of the Sipo and SD?" Witness, will you answer the question, do you know what all these activities were?

THE WITNESS: As I have already stated, this order was meant first of all to keep free the rear of the combat troops and secondly to give an opportunity for the Sipo and forthe SD to fight on the battle front. That is what I understood by all activities.

COLONEL NEAVE: And that is what you are referring to in the affidavit?

THE WITNESS: That is what I am referring to in the affidavit.

COLONEL NEAVE: Now I think we can go on.

H1073-0105

BY DR. LATERNSER:

Q Did you mention or did you hint at any other activities in your conversation with General Wagner?

A In the conversation I had with Generalquartermaster Wagner, we always dealt exclusively with thecarrying out of the Fuehrer's order and the plans of Heydrich to use these civil organizations on the battlefront.

Q You never mentioned mass extermination in your conversation with General Wagner?

A No.

Q Now you use the words, in this same sentence, "firmly obligated". This expression shows that you had some suspicion toward General Wagner as regards to cooperation. What was the basis of this suspicion?

A There was such a suspicion on the part of Wagner and as far as I can judge this suspicion was based on his feeling that an assignment of the Sipo and SD to combat troops would entail some difficulties in regard to the issuing of orders. He also had the feeling that Heydrich would profit by such a situation in order to erect his own army among the combat troops, with all the possibilities of being good soldiers in combat and being decorated.

Q Witness, you certainly knew the competence of the General Quarter Master and what they werein principle regarding supplies and administration behind the lines?

A I knew what the general and normal tasks of a quarter-master were, but

H1073-0106

in this connection Wagner acted as representative of the Army and of the OKH.

Q Did you not hesitate at that time to discuss these matters with the General Quartermaster as you knew of his competences?

A I just declared to the contrary. I cannot understand the question. I said that I knew about the normal duties and normal competences of a general quarter master, but in this case Wagner acted as representative of the OKH.

Dr. Kempner: I think we are now absolutely outside of the affidavit. The competence of military leader is never claimed in this affidavit or otherwise, and that General Schellenberg knew all the military matters.

COLONEL NEAVE: Dr. Laternser, where is this cross examination supposed to be leading?

DR. LATERNSER: The next question will show that.

COLONEL NEAVE: Let us stop that particular line.

BY DR. LATERNSER:

Q You just said that during these negotiations you considered the general quarter master being the representative of the OKH.

A Yes, I had to consider him as such because first he acted as such during the negotiations which took place, and then he was introduced to me as such by Heydrick.

Q You mentioned an order issued by the Fuehrer?

A Yes, I always like to repeat this order because I wanted to clarify the matter.

Q You mentioned this order in the affidavit too?

A Yes.

Q It was the basis of the Fuehrer's command mentioned at the beginning of this agreement that the Sipo and SD should operate within the field army as well as connection with their supply lines by every means and as quickly as possible. Did you read this order of the Fuehrer?

A I did not read it myself, but Wagner read it to me,

H1073-0107

and we agreed to use it as a preamble in the above-mentioned agreement. I do not know if he read it out completely.

Q You yourself did not see the order?

A No, I never saw anything in writing.

Q On page two of this affidavit, you say that, "The tactical and functional authority and responsibility of front-line headquarters of the Field Army over the Combat Commandos found no limitation in the agreement and therefore needed no further clarification." What do you understand by the words, "tactical and functional authority"?

A I have to enter into the motive which was behind this whole agreement.

Q Witness, you can tell us afterwards. Now, I should like to know what you mean by "tactical and functional authority"?

A I can only explain this point within the general scheme. There is no sense in interrupting me always. I have already stated that the General Quarter Master Wagner was afraid of Heydrick, and his civil organizations to a great extent in the event of the battle front. It is a question of the tactical and functional authority in the front territory. This matter almost led to a break-off of negotiations which took place at that time. When I started taking part in these negotiations, I saw at once that this was the crucial point of all the negotiations on the part of Wagner. By the words, tactical and functional authority, I understand the unlimited authority of a front commander. This is why I did not discuss any further this special point during the negotiations, but it was discussed later on in a conversation which Heydrick had with Wagner himself. Wagner himself stated, speaking about this point, and I absolutely remember the following words: "Mr. Heydrick, I am very grateful to Schellenberg for having discussed these questions with me in a very sensible way, because you as an old navy officer

will understand that there cannot be two masters on the front." Thus, Heydrick was somewhat flattered, and he entered into a discussion at that point, not for my sake, but for the sake of Wagner.

Q Furthermore, you state in your affidavit that, "The agreement made it clear that the administrative subordination embraced not only disciplinary subordination but also the obligation for rear headquarters of the Field Army to support the Combat Groups and Combat Commandos in matters of supply (gasoline, rations, etc.) as well as in the use of communications network." Have you ever heard of a case in which the superior officer had made use of this disciplinary power against the Sipo or the SD?

A My affidavit, as far as I can remember, refers only to the agreement and to the final draft of the agreement. In this respect, the matter was settled as I described it already and I can remember an example which would illustrate this matter. Wagner once said to Heydrick, " I am convinced you have your men in firm hands, but you know how things can be in such a war. You can see how willing the army is to put up with this new organization." I can remember another example when Wagner said, "You know perfectly well, we will have some difficulty on account of the old alcohol. You know in such a case, it is important to be able to take effective measures." Another example, he mentioned the supply roads behind the battle lines and in these supply roads, the members of the Sipo wanted to have priority and this matter, of course, had to be clarified.

Q All that does not exclude your answering my question.

A I have already answered the question. I referred to the contents of my agreement and not to a later stage.

Q You are a witness and have to answer questions.

A I have answered questions.

COLONEL NELTE: You may ask the question, Dr. Laternser.

H1073-0108

H1073-0109

DR. LATERNSER: Witness, I ask you whether you have a knowledge of a case in which an officer of the army had made use of his disciplinary power against a member of the Sipo or SD?

DR. KEMPNER: This is not in the affidavit.

COLONEL NEAVE: Dr. Kempner, this is cross-examination and I will allow that question. Dr. Laternser, please do not go too far in this reference to an agreement outside of the affidavit.

DR. LATERNSER: I think the question which I just put hardly exceeds the framework of this affidavit.

COLONEL NEAVE: Go on.

THE WITNESS: I personally did not care for the events in the east. After this agreement had taken place, I had no knowledge afterward of such a case.

Q This would have been an extraordinary matter if a member of the Sipo or SD had been punished by an officer of the army and it would have become known ?

A Well, I cannot say anything about that point and they probably would have taken someone who was not familiar with these matters.

H1073-0110

Q Can you tell us whether reports on the Commando Groups were submitted to Army headquarters? This would certainly have happened if these groups had been subordinate to Army Headquarters.

A May I ask your permission to read this passage first?

Q Yes. Page 2, last paragraph -- the report is mentioned.

A I take the liberty of stating that such a report was shown to me during the cross examination by the prosecution. On the ground of the knowled of this report, I have taken personal position in this matter.

Q You had no hesitation to make use immediately of such document which just had been shown to you, and this in a testimony which you have given under oath.

A Will Dr. Laternser please explain to me what he understands by "make use of"?

Q You made these reports the subject of your testimony.

A I wasunder oath and I had to take position in regard to this matter.

Q Were you shown the original reports?

A I cannot say that now. I have been shown so many things.

Q You state in your affidavit #12 that you acknowledged the correctness and the credibility of the reports just mentioned.

A I did so, because on the ground of my knowledge of the general form in which reports were drafted in the RSHA. I was convinced that these reports could not be falsified.

Q How do you know that there were conversations between Heydrich and Wagner as regards to the further interpretation of disagreement?

A My defense counsel is suggesting that I have said that there were such conversations, but I'm convinced I used the word presumably.

Q Witness, in this respect you are wrong. You state here "just while leaving I heard how they both wanted to discuss in complete privacy of the Fuehrer's command which was apparently known in advance by each of them personally, and its far reaching complications. After the half hour passover I was called in once more, just to say goodbye."

A It happened just as I stated here.

Q What did you hear when you were leaving?

H1073-0111

A I heard that two gentlemen were desirous to discuss the order issued by the Fuehrer. However, I want to state that I cannot remember the exact wor which were used during this conversation.

Q You will probably not be able to tell us whether this was actually th case afterwards?

A No, I was not present. I wasn't eavesdropping either.

Q It is stated on page 3 of your affidavit -- "Therefore, I must expres today my firm conviction that during the secret oral discussion between Wagner and Heydrich the extensive future activity of the Combat Groups and Combat Commando with the combat element of the Field Army was obviously discussed and delineated so as to include even planned mass executions."

You did not have this impression during and immediately after the discussion?

A I was so busy with the formulating matter that I didn't think of its consequences.

Q But how does it come that later on you had this impression?

A If I am not mistaken I think I have tried to explain this in the affidavit. On the ground of the report which was submitted to me by Oberfuehre Stahlecker, I had to gain the impression on the ground of the data that if such a thing could happen, it must have been discussed.

Q You want to state that on the ground of the documents which were shown to you in 1945, you gained the impression that the conversation took place between Heydrich and Wagner in May 1941?

DR. KEMPNER: I object against this question for one reason. The document -- the Stahlecker document is not a document of 1945 -- to make it very clear -- but a document of 1941. It was only shown to the witness in 1945, and I suggest that this question is changed to exact course of events, so that the witness really knows what the matter is and not matters manufactured as suggeste in 1945.

COLONEL MEAVE: What is the exact date and description of this Stahlecker document?

MR. RAPP: 1941 in the advance of Moscow.

COLONEL MEAVE: Has the document been shown to the witness during the

H1073-0112

past few months? Is the document here -- is it available?

MR. RAPP: Yes, it is available. I know the document has been use in evidence.

COLONELNEAVE: I only wanted to be satisfied that Dr. Laternser is under a wrong impresson. What is the number of the document?

MR. RAPP: I believe -- I'm not sure -- it might be 871 PS.

COLONEL NEAVE: It would appear that you are under incorrect impression, and it is available as a document introduced by the prosecution an is dated sometime in 1941.

DR. LATERNSER: Mr. President, I am parting from the same facts whic have just been stated by Dr. Kempner.

COLONEL NEAVE: There hasn't been a mistranslation here, has there? Has he referred to the document dated 1945, and it is true that you mean the document dated 1941 and shown to the witness in 1945.

DR. LATERNSER: Yes, that is right.

COLONEL NEAVE: There seems to have been some misunderstanding. The document, I understand, is L-180, dated 15 October 1941.

MR. RAPP: Signed by Dr.....

COLONEL NEAVE: Personal property of the SS-Obergruppenfuehrer. Yes, it is signed by Dr. Stahlecker. Well that clears up that point.

DR. LATERNSER: The objection against my question has become thus immaterial.

COLONEL NEAVE: It all seems to be based on misunderstanding. Will you repeat your question so that we are quite clear on what you mean? Repeat the same question. Go ahead, Dr. Laternser.

Q Witness you want to say that today, that is to say the date hen this affidavit was drafted -- that is to say in 1945 -- on the ground of the document which was shown to you in 1945, you gained the impression that the conversation held between Heydrich and Wagner in May 1941 was of the followin contents.

A As I have stated in the affidavit, I tried to remember very exactly the time to which I was referring in this affidavit. On the grounds of documents which were shown to me in 1945 or in 1946, I draw, on my part, the

H1073-0113

conclusion that according to the goal of events, the conversation which took place in 1941 presumably had these contents.

Q It is only a presumption of yours?

A I have stated that in the affidavit.

Q And you have no recollections of the time of 1941 which could support this presumption of yours?

A Oh, yes. Later I heard so many witnesses and according to the statements of these witnesses, I gained the impression that it was not perhaps a presumption of mine, but a real fact.

Q Witness, I think you go a little too far. I must draw your attention to the fact that you are under oath. I have not finished my question. Witness, you stated that in 1945, you presumed that the conversation of 1941 was of such a content and now you want to re-enforce this presumption of yours by the testimony which you just gave. Will you tell us that this is a fact?

DR. KEMPNER: My objection against this kind of questioning is the following. The defense counsel put something in the mouth of the witness he has not said. The defense counsel has said, and now I say it in German -- the witness had gained the impression that presumably he had said something. As a matter of fact the witness said, "I was forced to the conclusion that this has taken place presumably."

COLONEL NEAVE: It is perfectly true that he did add the word "presumably" at the end of his answer, and it is possible that there is a certain misunderstanding here as to his answer, Dr. Laternser. Otherwise, Dr. Kempner, it is a perfectly proper line of cross-examination. Dr. Laternser hasn't misunderstood what I said? It was a proper line of cross-examination.

DR. LATERNSER: No.

Q You just used the word "fact". As far as I can understand you, you have the intention of using this word to re-enforce a presumption?

A May I declare the following as regards to the whole complex?

Q No, you are supposed to answer my question.

A First I want to say that there is no need to remind me of my oath. First when I stated this presumption in my affidavit, I was in a single cell.

H1073-0114

At least the essential contents of this affidavit were discussed when I was i a single cell or at least when I had no opportunity of discussing this matter with other witnesses for the Sipo and SD.

COLONELNEAVE: Dr. Laternser, the Commission will adjourn for ten minutes. I want to see the defense counsel for the SD and Gestapo.

Recess: 1130 hours

Reconvened: 1145 hours

COLONEL NEAVE: Dr. Laternser, before we resume, how much longer do you expect your cross examination to take?

DR. LATERNSER: I hope until noon.

COLONEL NEAVE: Will you be re-examining, Dr. Kempner?

DR. KEMPNER: Very short, but this means another hour on the affidavit.

COLONEL NEAVE: Do you mean one o'clock, Dr. Laternser?

DR. LATERNSER: One o'clock.

COLONEL NEAVE: Do you really think you will need until one o'clock to finish with this witness?

DR. LATERNSER: Yes.

COLONEL NEAVE: Well you must make your questions as brief as possib The Tribunal gave permission to cross examine these witnesses on the understan ing that you would be quite brief on the examination and limited entirely to the subject matter of the affidavit. Go on.

Q Witness, in your affidavit you mention the words "comprehensive report of combat group" -- you have seen these reports in detail?

A May I read this page of my affidavit before I answer this question.

COLONEL NEAVE: Yes, you may do so. What page is it?

DR. LATERNSER: Page 2 -- last paragraph.

A Yes, according to the affidavit I read two reports. One -- operational and situational report # 6, and one -- comprehensive repor of combat group.

Q So you have seen the reports in detail?

A I have read them.

Q Is it stated in one of these reports or is there any remark that

H1073-0115

these reports had been passed on to Army headquarters?

A I cannot remember whether there was any statement as to the distribution of these reports, but I can remember that during my cross examination, I gained the

conviction that these reports were as a matter of fact handed on to Army headquarters.

Q But you have not stated this in your affidavit?

A I don't know- may I read it once more. No, I have not dealt with this question in the affidavit and only in so far as I refer to the sentence which we just read out.

Q You have just said that you were convinced that these reports were handed on to Army headquarters, and you have gained this conviction out of these reports Can you give any facts which are the grounds of this conviction?

A This is only my personal opinion-Icannot state any facts or documents.

Q But you just said that you gained this conviction when you read the repor

A That is correct, but I have not expressed this view in the affidavit.

Q But you expressed this view now?

A Yes, I have done that.

Q I shall show you these two reports now and I shall ask you to show me the passages from which you could gain this conviction?

A There is no need of showing me this document, because I have just read the sentence which is essential for my conviction, It is a question of the praise which is given to the troop for the good cooperation with Hoeppner.

Q After the recess I shall have to show these documents to the witness.

COL NEAVE: In view of that answer-is it really necessary to submit those orders? In view of that answer.

DR. LATERNSER: The witness had said that on the ground of reports he had gained the conviction that the reports were handed on to Army headquarters. I will submit these reports after noon recess.

COL. NEAVE: Well, you haven't been given permission to do so yet. I'm discussing with you whether it is necessary to submit these reports in view of his answer as to what his conviction was, and with the object of saving time.

COL NEAVE: He states that in this case the liaison was very close and almost cordial, and that that fact is the basis of his conviction that the orders were passed on to the Army. What isthe point then of showing him the orders? Isn't the position clear. Well, you may refer to the matter later. If it is really necessary to clarify that further, you may refer to that later, but not before

H1073-0116

you have spoken to me personally and suplied me with copies of those orders, so that I can see them.

DR. LATERNSER: Very well.

COL NEAVE: The only question here is on what the witness basis his conviction and he gives a perfectly good answer.

DR. LATERNSER: I will check this matter and I will come back to it.

COL NEAVE: I shall want to be satisfied that we need go into that matter further, and therefore you should show me copies of the orders.

Q You further stated that...."the Oberbefehlshabers of the army groups and armies which were to take part in the Russian campaign were accurately informed through the normal OKH channels of communications about the extensive future mission of the Combat Groups and Combat Commandos of the SIPO and SD as includ planned mass executions of Jews...." I now leave out the rest of the phrase. Did you know that Combat Groups received direct orders from the higher headquarters that they were not to discuss with the Army any of their actions and that this decree was handed by Hitler both to the Army and to Himmler?

A My answer again concerns itself with two points. Firstly I don't know of any such order. Secondly, just how or rather by what way I arrived at the statements I made in this affidavit and also in order to answer any possible further questi I can make a rather exact or detailed statement concerning this.

Q You stated today that you want to express your firm conviction. I ask you now - did you have this same conviction in 1941 already or did you just arrive at it in 1945?

A I want to refer back to the wording of the affidavit which says exactly what I thought .

H1073-0117

H1073-0118

Q That is not quite clear?

A Maybe then I might explain.

Q Now, I want to know when you formed this firm conviction ?

A In explaining, I want to state that there are two lines of thought in my affidavit.

Q I would like you to answer my question first. When you formed this firm conviction, then you can give your explanation.

A In order to explain how I arrived at this conviction I have to state that there were two different lines of thought, two different ideas are merged into each other. One what I had experienced during the course of the agreement or conferences--

COLONEL NEAVE: What day was that, in 1941?

THE WITNESS: May 1941. Secondly, the impression I received upon being interrogated in 1945, and upon being shown weekly reports of the Einsatz units, or combat units. The result of these two different ideas, of these two themes, was for a conviction which I arrived at in 1945, which I put down in this affidavit.

BY DR. LATERNSER:

Q You further mentioned of 1-C in June 1941.

A Yes.

Q You state that you personally were present at one of these discussions. During that discussion which you attended, was the work of the Einsatz Group discussed so far as that concerned themselves with the planned execution of Jews, Communists and other elements of resistence?

A I had already stated that this discussion was generally one that concerned itself with the operations, and their carrying them out, and also with actions of the Sipo and SD were concerned with relation as to the basis for that agreement which was the "Fuehrer Decree", which was

that the rear of the fighting troops had to be kept clear at all costs.

COLONEL NEAVE: In order to make the record more clear is this a discussion between Heydrich and Wagner in 1941, or is this the discussion referred to at the beginning of the affidavit, in 1943, because if you are referring to Heydrich's discussion, it has already been covered in this examination. The witness has already stated what he knows about it in the answer to your question in this cross-examination. Now are you talking about another discussion ?

BY DR. LATERNSER:

Q I speak now as I already stated in my question, this other discussion which took place in June 1941, in other words, during the discussion which you attended, they did not speak of mass executions ?

A During the discussions at the beginning of July 1941 they did not discuss the mass executions, but as to the other part I refer to my previous answer, which is, that there were two parts to this meeting, one as I stated before, the operations meeting, and secondly, the general meeting.

Q During the course of this meeting of the officers of 1-C, did you participate in further discussions ?

A Already, at the time and during interrogations, I was asked this question, and at that time, already, I had stated that so far as I remember there was no further discussion that is, I did not participate in any further discussions.

Q If that was not the case, I would like to ask you what the basis was of your conviction of the regular army group officers, how they received their information through the regular army channel, concerning the planned mass exterminations. What facts can you give concerning this ?

A I refer my answer to my previous statement, since

H1073-0119

they are the actual background, and further, I want to explain the following, and I ask you to permit me what I want to explain.

Q I ask you for the facts which lead to your conviction, that if the army and army groups were informed through regular army channels of any possible planned mass executions ?

A I would like to ask, first, what does the defense point out, especially, what I mean by regular channels or normal channels of how the members, or general officers of the army and army corps received any possible knowledge or information of these mass executions.

COLONEL NEAVE: Dr. Laternser, as I understand it, the witness has already answered as to the basis of his conviction that this order was passed through army channels, and of that information the army was referred to, and you have asked whether you can submit those two orders to him originally referred to, and I said I would look at them first. Now we have already covered that list.

DR. LATERNSER: Mr. President, I asked the witness whether or not he has any facts in addition to his conviction that would point to the fact that the commanders of the armies, and the army groups were informed of any possible planned mass executions from the normal channels of the OKH.

COLONEL NEAVE: Wait a minute. Dr. Laternser, that is the identical question you asked him before. Let's have his answer again.

THE WITNESS: I would like to ask one other thing before I answer this question, since I do not know from the tone of the questioning, which of the questions the defense lawyer wants to answer, or what he considers important. In his question does he want to know concerning the normal channels of the OKH, or concerning any knowledge of the army commanders?

H1073-0120

COLONEL NEAVE: The witness can answer. You can answer that question. You can state the facts on which you base your convictions. Why do you say these orders were passed on ?

DR. LATERNSER: But as you have claimed already before-

COLONEL NEAVE: Wait a minute. Let him answer. Don't ask the question. Let him answer my question.

THE WITNESS: If I leave out all these side points, I can make this answer rather brief. First, the tone of the discussion at that time; secondly, the use of members of the SD and the SIPO in fighting zone, and, thirdly, upon the actual occurrences.

BY DR. LATERNSER:

Q In other words, you do not have any specific facts which can show that these army commanders were informed of any planned mass executions before the start of the campaign ?

A The almost logical point was enough proof for me.

COLONEL NEAVE: I don't quite understand that answer.

THE WITNESS: The almost logical sequence of the occurrences was enough proof for me. May I add, as I said in my affidavit, it was enough proof for my conviction as I stated in the affidavit.

BY DR. LATERNSER:

Q Can you name me anywhere a commander in chief who was informed of the planned mass executions before the beginning of the Russian campaign ?

A I did not concern myself with this question in the last few years.

Q In other words, you do not care to name anyone who was informed of this that you know of ?

A According to my answer, no.

Q Concerning the discussion of the 1-C that took place in June 1941, you state the following: Now, you stated that this 1-C officers from the various commands had been called

H1073-0122

together by General Wagner. How did you know that General Wagner called together these 1-C officers ?

A If the formal side of this matter is so important, I want to state this as a fact, that the basis for my conviction was that Wagner himself had this discussion.

Q But in this affidavit you stated that the calling together as a fact, and not as you state now, that it was your conviction.

A I do not want to go into splitting words. Whatever I said in the affidavit is complete truth, and, of course, I will tell the entire truth before this court also.

COLONEL NEAVE: Yes, but witness you can answer counsel's question.

THE WITNESS: Then may I ask the President's permission if I may read my affidavit once again in order to remind me.

COLONEL NEAVE: I think he has a copy of the affidavit. I have one here. I have the German here.

BY DR. LATERNSER:

Q You say just now that you said this calling of this meeting was not a fact.

A Yes, it was a fact since I personally was present.

Q Yes, but in this case you do not want to discuss the fact that there was such discussion and also that Wagner called this discussion ?

A There is something that is missing from the affidavit, or since at the time of the interrogation no value was placed upon the question as to whom had called the meeting, but rather only that a meeting had taken place.

COLONEL NEAVE: He says they were called for a meeting in this affidavit.

THE WITNESS: Yes, and I want to remain on that statement.

BY DR. LATERNSER:

But it seems that you do not know whether or not Wagner called together these officers ?

A I state that my subjective knowledge goes to the point that General Wagner led the discussion at that time and at the time when I made out the affidavit that was sufficient fact for me to make the statement.

Q I understand your answer, witness, however, I would like you to answer the question. The question is, do you know if General Wagner called this discussion of the 1-C officers.

A I want to state in this case that due to the long time that has passed, and the fact that I actually never saw a written printed invitation of Wagner, I think having stated that my basic knowledge in this case is of the fact that Wagner led the discussions.

Q In other words, you want to state your conviction in this case ?

A Also my subjective knowledge, basic knowledge.

Q There is no answer to my question. You expressed your conviction in this case, because evidently you cannot give me positive proof of the fact that Wagner called together these officers.

A I have to say something now which I did not want to do since it is rather a comment in addition to this affidavit, if I remember correctly. Wagner stated at the beginning of the meeting, "Officers, I call you together," and so forth.

H1073-0123

Q Do you know whether General Wagner, the Quartermaster General, had the right to issue in the armies or army groups an order that 1-C officers come for a discussion with him?

DR. KEMPNER: I think the affidavit is quite right, not what Wagner has told him or Hitler has told him. The witnesshas stated very clearly, he had called these people together, and that is what is in the affidavit, and he has been harping now on this point for ten minutes without any results.

COLONEL NEAVE: Whether Wagner called the meeting or not is a question of fact, and the defense, Dr. Kempner, has the right to dispute the credibility of the witness in that respect.

DR. KEMPNER: I object again.

COLONEL NEAVE: Doctor Laternser, whether or not he was the proper person to call it, does not seem to be very relevant. However, the cross examination may continue provided it is kept short. We are only concerned whether or not this meeting was in fact called by Wagner.

THE WITNESS: May I answer the question?

COLONEL NEAVE: Yes.

THE WITNESS: I do not know whether this calling of this meeting by General Wagner was outside of his field of activities, or whether he acted upon a single decree by some higher person unknown to me.

BY DR. LATERNSER:

Q You further state in your affidavit, and I quote from the bottom of page 3: "The essential substance and purpose of this meeting was to outline the military strategy against Russia, and to announce the above-mentioned details of the written agreement reached by Wagner and Heydrich." You attended, as you stated before, only one discussion?

A Yes.

Q Did the discussions take several days?

A So far as I remember and I have stated, yes.

Q How can you inform us of the basic idea and of the matters as to why this discussion was called, when you only attended one session of it?

A Because the formal discussion concerning the point I have mentioned was discussed on the day I attended, and I don't know what other discussions they concerned themselves with.

H1073-0124

Q In other words, you do not see any other reasons for the other discussions of the next days. Do you know what the matters were that were discussed in the next few days?

A I stated already that due to the fact that in the discussion I attended the formal matters were all discussed, and I suppose that in the next few days probably other smaller matters, as I have stated in the affidavit, were discussed.

Q In other words, you do not have positive knowledge what were the matters under discussion of the discussions that took place within the next few days.

A I do want to refer back to the contents of the affidavit, in which I stated that I supposed that due to the actions and discussions which I saw take place that considered the facts which I had mentioned as the basis.

Q You state as your conviction, or your idea, that in the discussions of the next few days the leaders were informed of the planned mass executions?

A Yes.

Q In other words, it is purely a probability, or an idea of your own?

A It is today still my personal, or rather strong conviction due to the matters which actually occurred.

Q You do not have, in other words, a positive knowledge that they were informed?

A No. Maybe there are other witnesses for that.

Q I have a witness. I now want to say this -

DR. LATERNSER: I now want to introduce a document which I shall give the number of 701-A.

COLONEL NEAVE: Will you before introducing it hand this document to me.

DR. LATERNSER: Yes. I want to submit an affidavit which was sworn to on 18 July by Brigadier General Kleikamp. I quote from this affidavit one sentence.

COLONEL NEAVE: Let him translate it first. Before you translate it I want to see it. Dr. Laternser, before your extract was translated, where was this affidavit formulated?

H1073-0125

H1073-0126

DR. LATERNSER: Yes. In Ahlendorf.

COLONEL NEAVE: You want to submit this to the Commission as part of the record?

DR. LATERNSER: Yes.

COLONEL NEAVE: Have you any comments?

DR. KEMPNER: I understand in this proceeding as we have it today, this witness should be cross examined whether his affidavit is true or not true. I don't think it is to introduce the affidavit in this stage of the whole case. If counsel thinks he has to question the witness about some sentence out of the contents here I would not object, but I object to the introduction of the affidavit.

COLONEL NEAVE: Dr. Laternser, the Commission makes the following ruling in regard to this document.

DR. LATERNSER: Mr. Commissioner, I wish I could give my point of view concerning the objections of Dr. Kempner.

COLONEL NEAVE: Well, briefly.

DR. LATERNSER: I believe that this objection is not correct. I am using, or doing something now which the prosecution has done time and time again in the last few months during the questioning of witnesses.

COLONEL NEAVE: Wait a minute. There has never been a procedure like this before the Commissioner. This is a case where the Tribunal has given a special permission to defense counsel to cross examine one of the prosecution witnesses, and anything that previously had been before the Tribunal does not apply here at all. Go ahead.

DR. LATERNSER: After I have submitted this document, I would like to ask one question of the witness, which probably would lead to the shortening of the entire discussion.

COLONEL NEAVE: I make the following ruling. You may submit this document to the witness, and cross examine him on it. Whether the document may be introduced in evidence during this hearing, and not during the Commission hearings for the examination of affidavits will be referred to the Judges during the lunch hour. It would appear to me the prosecution is perfectly right, that it is not the correct manner in which to present documents in the form of affidavits here. It is not exactly the same type

H1073-0127

of hearings that we have been having in the past; however, since this point may arise again, the Commissioner will speak to the Tribunal about it during the lunch hour. In the meantime, if you wish, will you submit the affidavit to the witness. Wait a minute, please translate the extract, as we want to know what it is about.

DR. LATERNSER: "The true duties, intentions and goals of the Einsatz Groups were not mentioned with a single word. Their use was explained to be as political security and investigation measures."

COLONEL NEAVE: Is that all?

DR. KEMPNER: Mr. Commissioner, I think the witness should know the time of this alleged conversation or meeting. We don't know whether this meeting is identical with the meeting that the witness has in mind.

COLONEL NEAVE: Go on and make that point clear.

BY DR.LATERNSER:

Q I show you, witness, a sworn affidavit of Brigadier General Kleikamp, which I'll show to you immediately. At that time General Kleikamp was a 1-C officer of Army Group South, and he participated in this meeting in June 1941. He states in this affidavit that the 1-C officers were not informed of any proposed mass executions within any part of Russia. This is a sworn affidavit which I beg you to read through, and I would like to ask you questions after you have read it. (Witness reads the affidavit). Witness, I would like to ask you whether you now remain with your firm conviction, when 1-C officers during that discussion were informed of the proposed mass executions to Russia, or you remain of your firm conviction as you have stated after having read the sworn affidavit of one of the participants?

A I want to state the following so far as this is concerned. If Brigadier General Kleikamp concerned himself with the meeting in the beginning of June at the meeting which I did mention in my affidavit, then it can be seen in my affidavit that mass executions were not mentioned during that discussion; secondly, I don't doubt it that I would say that it was possible that what is mentioned in this affidavit was also under discussion, but I do remember the fact that at the time was discussed the military use

H1073-0128

of SIPO and the SD as a security forthe so-called Rollbahnen, the supply roads leading up to the front. This was not just a police measure, but it was actually to use as a military force the SIPO and the SD. I just made this example in order to show that the sworn affidavit by Brigadier General Kleikamp is not quite complete, and I'll have to remain with my firm conviction that in that discussion later on the true use of these units, as I had to see it later, was discussed, and concerning which this Brigadier General Kleikamp does not say.

Q You want to keep your conviction that during those meetings planned mass executions actually were discussed, even though you have in front of you a sworn affidavit of one of the participants in the discussion in June 1941, which tell us that these matters were not discussed?

A I do not want to evaluate the trustworthiness of these two submitted affidavits. I want to state again that in the discussions later on at the beginning of June 1941, which I did also mention in my affidavit, that in those latter discussions the matters as I have explained were probably discussed.

Q Witness, how can you claim this was discussed at that time, even though you were not present?

A I'll say that if you think back over the entire morning of cross examination here, the only basic question was, how I arrived at this con-

H1073-0129

viction, and I don't think anything more can be said about it.

COLONEL NEAVE: Dr. Laternser, do you want to go on any longer after lunch? This cross examination has gone on for a long time on this affidavit. How many more points do you wish to cover?

DR. LATERNSER: I am to finish immediately.

COLONEL NEAVE: Well, is this going to be your last question? I think we will have to adjourn in any case. Do you still wish to submit the orders referred to on page 2 of the affidavit?

DR. LATERNSER: I don't think that it will be necessary any more.

COLONEL NEAVE: Is that all of your cross examination?

DR. LATERNSER: No.

COLONEL NEAVE: How much longer do you want to go on with it?

DR. LATERNSER: Only a short time.

COLONEL NEAVE: Well, it should be a very short time, as it is a very short affidavit.

(A recess was taken until 1400 hours.)

(The Commission reconvened at 1400 hours.)

COMMISSIONER: Dr. Laternser, the affidavit that you wanted to submit to the Commission this morning must be dealt with by the special commission appointed for that purpose.

Will you put it in with the remaining affidavits on behalf of the General Staff, in the usual way?

Now, I understand that you have a few more questions to ask this witness, Dr. Laternser.

BY DR. LATERNSER:

Q Witness, your activities took place near Himmler?

A Yes, from June 1942.

Q Do you expect trial against you on the part of the Allies?

A According to the circumstances, yes.

DR. LATERNSER: I have no further questions.

RE-EXAMINATION

BY DR. KEMPNER:

Q I now come back to the affidavit which was submitted by you. Was

H1073-0130

that affidavit 100% correct -- yes or no?

A Of course, yes.

Q As regards the affidavit and your statement in connection with this affidavit, the correctness of the affidavit was by no means influenced by the fact that it was to be submitted to a court -- or not?

A It was one of my 240 testimonies which I gave in my own case.

Q All right. When did you pass over from the inner administration to the Gestapo?

A From the legal point of view, in 1937; and as regards my full functions, in 1939.

Q You remained in this office until 1944 or 1945?

A I suggest that the RSHA can be considered as an organization.

Q Your activity extended over various departments of the administratio so that you could gain a certain impression of the administration? When did you enter the administration and how long were you there?

A Practically, I worked in the SD and in the administration since 1935.

Q So your general knowledge of the administration can be considered as a basis for your statement which you have given here?

A Insofar as there are points of contact, yes.

DR. KEMPNER: That's all.

COMMISSIONER: The witness may go now.

Dr. Kempner, have you any instructions to the guards, as regards this witness? Is he to remain?

DR. KEMPNER: Yes, for subsequent proceedings.

COMMISSIONER: Witness, you may go now.

If the other witness is out there, will you bring him in?

* * * * * * * * * * *

The foregoing is a true and correct transcript of the testimony of GENERAL SCHELLENBERG, taken on 25 July 1946.

ALICE MEEHAN
Reporter

BERNICE WINKLER
Reporter

CHARLES GALLAGHER
Reporter

GENEVIEVE BIOLSI
Reporter

CERTIFIED TO: A. M. S. NEAVE
Commissioner